

**CITY OF CHAMPLIN  
DATA PRACTICES PROCEDURES**



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**CITY OF CHAMPLIN  
DATA PRACTICES PROCEDURES  
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## **CITY OF CHAMPLIN DATA PRACTICES PROCEDURES**

Note: This policy serves to satisfy the requirements for a public data access policy and data subject rights and access policy as required under Minn. Stat. 13.025 and Minn. Stat. 13.03.

**1.0 Introduction.** These procedures are adopted to comply with the requirements of the Minnesota Government Data Practices Act (the “Act”), specifically Minnesota Statutes Sections 13.025, 13.03, subdivision 2 and 13.05, subdivision 5. It is the intent of the City of Champlin (the “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.

**2.0 Responsible Authority.** The City Administrator is the Responsible Authority and the City Clerk is the 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 authorized certain other City employees to collect, maintain, disseminate and otherwise assist in complying with the Act (“Designees”). 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 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.

**3.0 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> M.S. § 13.02, subd. 5	<b>Data on Decedents</b> M.S. § 13.10, subd. 1	<b>Data not on Individuals*</b> M.S. § 13.02, subd. 4
<b>Public</b> Accessible to anyone M.S. § 13.02, subd. 15	<b>Public</b> Accessible to anyone M.S. § 13.02, subd. 15	<b>Public</b> Accessible to anyone M.S. § 13.02, subd. 14
<b>Private</b> Accessible to the data subject; Not accessible to the public decedent; M.S. § 13.02, subd. 12	<b>Private**</b> Accessible to the representative of the subject; Not accessible to the public M.S. § 13.10, subd. 1(b)	<b>Nonpublic</b> Accessible to the data subject; Not accessible to the public M.S. § 13.02, subd. 9
<b>Confidential</b> Not accessible to the data subject; Not accessible to the public M.S. § 13.02, subd. 3	<b>Confidential**</b> Not accessible to the representative of the decedent; Not accessible to the public M.S. § 13.10, subd. 1(a)	<b>Protected Nonpublic</b> Not accessible to the data subject; Not accessible to the public M.S. § 13.02, subd. 13

\* Individual is defined at Minn Stat. § 13.02, subd. 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 10 years after the death of the data subject and 30 years after the creation of the data.

**3.1 People Entitled to Access.** Any person has the right to inspect or view public data and/or 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, unless a statute specifically authorizes the City to request such information. 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 7)

**3.1(a) Copyrighted** public documents may be shown to anyone but shall not be reproduced or photocopied without express written permission from the copyright holder. (Exhibit 7)

**3.1(a)1** 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.

**3.1(a)2** Public documents created by the City 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.

**3.2. 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 3).

**3.3 Identification of Requesting Party.** The Responsible Authority **may not** require the requesting party to provide identification to view public documents except as may be necessary to facilitate 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, requesting identification when copies have been paid for by check, or requesting contact information in order to clarify or follow up on 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.

**3.4 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.

**3.5 Time Limits.** Requests will be received and processed only at City Hall during normal business hours. 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; provided, that an immediate response will not interfere with the City's efficient 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 will provide the data within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays.

**3.6 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 current fee schedule and may not

include time necessary to separate public from non-public data. Fees are established annually by ordinance. A copy of the approved fee schedule is attached at Exhibit 2.

**4.0 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.

#### **4.1 People Entitled to Access.**

**4.1(a) Public** information about an individual may be shown or given to anyone for any reason.

**4.1(b) Private** information about an individual may be shown or given to:

**4.1(b)1** The individual, but only once every six months, unless a dispute has arisen or additional data has been collected or created.

**4.1(b)2** A person who has been given access by the express written consent of the data subject.

(Exhibit 6)

**4.1(b)3** People, or another responsible authority, which are authorized access by federal or state law or by court order.

**4.1(b)4** People within the City staff, the City Council, and outside agents (such as attorneys, insurance agents, etc.) whose work assignments or responsibilities reasonably require access.

**4.1(c) Confidential** information may not be given to the subject of the data, but may be given or shown to:

**4.1(c)1** People who are authorized access by federal or state law or by court order.

**4.1(c)2** People within the City staff, the City Council, and outside agents (such as attorneys, insurance agents, etc.) whose work assignments or responsibilities reasonably require access.

**4.2 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 the data requested and whether the data is classified as public, private, or confidential. All requests to see private or confidential information must be made in writing in order to verify identity. The Responsible Authority will provide a form (Exhibit 3) 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.

**4.3 Identification of Requesting Party.** The Responsible Authority **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.

**4.4 Time Limits.** Requests will be received and processed at City Hall only during normal business hours. Access to the data will be provided as soon as is reasonably possible. Data requested by the individual data subject will be provided within 10 days of the date of the request, excluding Saturdays, Sundays and legal holidays if an immediate response is not possible.

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

**4.6 Summary Data.** The term 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 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 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 10 days after receiving the request. If the summary data cannot be prepared within 10 days, the Responsible Authority must notify the requester of the anticipated time schedule and the reason for the delay.

Summary data may be prepared by "blacking out" personal identifiers, cutting out portions of the records that contain personal identifiers, creating a spreadsheet, 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. (Exhibit 4)

**4.7 Records of Minors and Incapacitated Persons** as defined in Minnesota Statutes Section 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 Section 524.5-102, subdivision 6.

**4.7(a) Parent/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 minor or incapacitated person. For the purposes of these procedures, a "Parent" shall include guardians and individuals acting as parents or guardians in the absence of parents or guardians. A parent is presumed to have this right unless the minor has requested the Responsible Authority to withhold the data and withholding the data would be in the best interest of the minor, or unless the Responsible Authority

has been given evidence that there is a state law, court order, or other legally binding document, that restricts the parent's exercise of this right.

**4.7(b) Notice to Minor and Incapacitated Persons.** Before requesting private data from minors or incapacitated persons, City personnel must notify the minors and incapacitated persons that they may request that the information not be given to their parent or guardian(s). (Exhibit 5)

**4.7(c) Denial of Parent or Guardian Access.** The Responsible Authority may deny parent or guardian access to private data when the individual requests this denial and the Responsible Authority 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 will consider:

**4.7(c)1** Whether the individual is of sufficient age and maturity to explain the reasons and understand the consequences;

**4.7(c)2** Whether denying access may protect the individual from physical or emotional harm;

**4.7(c)3** Whether there are reasonable grounds to support the individual's reasons; and

**4.7(c)4** 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 or guardian would seriously jeopardize the health of the individual.

The Responsible Authority may also deny parental access without a request from the juvenile or incapacitated person under Minnesota Statutes Section 144.335, or under any other state or federal statute that allows or requires denial of parental access and that provides standards for denying parental access.

**5.0 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 the private and confidential 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:

**5.0(a)** Private and confidential data on decedents will become public data 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, subdivision 2. An individual is presumed dead if either 90 years have 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.

**5.0(b)** A representative of the decedent may exercise the rights that the decedent could have exercised as a living individual. 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.

**6.0 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 10 years after it was created by the City or 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 made available to the data subject that the harm to the public or the data subject would outweigh the benefit to the public or the data subject.

## **6.1 People Entitled to Access.**

**6.1(a) Public** information not about an individual may be shown to anyone. Copyrighted documents will not be reproduced or photocopied without express written permission from the copyright holder. (Exhibit 7)

**6.1(b) Nonpublic** information not about an individual may be shown or given to:

**6.1(b)1** An authorized 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.

**6.1(b)2** A person who has been given access by the express written consent of the authorized representative of the entity which is the subject of the data. (Exhibit 6)

**6.1(b)3** People who are authorized access by federal or state law or by court order.

**6.1(b)4** People within the City staff, the City Council, and outside agents (such as attorneys, insurance agents, etc.) whose work assignments or responsibilities reasonably require access.

**6.1(c) Protected Nonpublic** information may not be given to the authorized representative of the entity, but may be given or shown to:

**6.1(c) 1** People who are authorized access by federal or state or by court order.

**6.1(c) 2** People within the City staff, the City Council, and outside agents (such as attorneys, insurance agents, etc.) whose work assignments or responsibilities reasonably require access.

**6.2 Form of Request.** Any person may request data verbally or in writing. Data will be released depending on whether or not the City has stored the 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 made 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 a form (Exhibit 3) to document the requesting party's identity, the information requested, and the City's response; however, any person may request data verbally or in writing as long as the request includes documentation of the requesting party's identity and a detailed description of the information requested.

**6.3 Identification of Requesting Party.** The Responsible Authority must verify the identity of the requesting party as a person entitled to access when non-public 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, non-public, 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.

**6.4 Time Limits.** Requests will be received and processed at City Hall only during normal business hours. The response must be immediate, if possible, or prompt and reasonable, if an immediate response is not possible.

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

**6.6 Accessibility of Records.** Upon request by an individual, records must be made available within a reasonable time period to persons with disabilities in a manner consistent with state and federal laws prohibiting discrimination against persons with disabilities. Reasonable modifications must be made in any policies, practices and procedures that might otherwise deny equal access to records to individuals with disabilities. This requirement does not apply to (1) technology procured or developed prior to January 1, 2013, unless substantially modified or substantially enhanced after January 1, 2013 or (2) records that cannot be reasonably modified to be accessible without an undue burden as defined in Minnesota Statutes Section 16E.015, subdivision 4 to the public entity or (3) except as otherwise provided in Minnesota Statutes Chapter 16E.

**7.0 Temporary Classification.** If the Responsible Authority determines information not expressly classified by law should be protected, the Responsible Authority may apply to the Commissioner of Administration 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.

**8.0 Denial of Access.** If the Responsible Authority determines that the requested data is not accessible to the requesting party, the Responsible Authority must inform the requesting party verbally at the time of the request or in writing as soon after that as possible. The Responsible Authority must give the specific legal authority, including statutory section, for withholding the data. The Responsible Authority must place a verbal denial in writing upon request. This must also include the specific legal authority for the denial.

**9.0 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.

**9.1 Tennesseen Warning.** 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 Tennesseen Warning. (Exhibit 8; Exhibit 9)

**9.1(a)** This warning must contain the following:

**9.1(a)1** The purpose and intended use of the requested data;

**9.1(a)2** Whether the individual may refuse or is legally required to supply the requested data;

**9.1(a)3** Any known consequences from supplying or refusing to supply the information; and

**9.1(a)4** The identity of other persons or entities authorized by state or federal law to receive the data.

**9.1(b)** A Tennesseen Warning is not required when:

**9.1(b)1** An individual is requested to supply investigative data to a law enforcement officer;

**9.1(b)2** The data subject is not an individual (e.g., the data subject is a corporation or partnership);

**9.1(b)3** The data subject offers information that has not been requested by the City;

**9.1(b)4** The information requested from the individual is about someone else;

**9.1(b)5** The City receives information about the subject from someone else; or

**9.1(b)6** The information requested from the subject is classified as public data.

**9.1(c)** A Tennesseen Warning may be on a separate form (Exhibit 9) or may be incorporated into the form which requests the private or confidential data.

**9.1(d) Collection of Data on Individuals through the Use of the City's Computer.** When an individual gains access to government information or services through the City's computer, the City may create, collect, or maintain electronic access data or use its computer to install a cookie on an individual's computer. The City must inform individuals gaining access to the City's computer of the creation, collection, or maintenance of electronic access data or the City's use of cookies before requiring the individual to provide any data about the individual to the City. As part of that notice, the City must inform the individual how the data will be used and disseminated. Notwithstanding an individual's refusal to accept a cookie on its computer, the City must allow the individual to gain access to data or information, transfer data or information, or use government services by means of the City's computer. The provisions of this section do not apply to a cookie temporarily installed by the City on a person's computer during a single session on or visit to the City's web site if the cookie is installed only in a computer's memory and is deleted from the memory when the web site browser or application is closed.

**9.2 Data Quality Procedures.** The City is required to establish procedures to ensure 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:

**9.2(a)** At the time that 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.

**9.2(b)** An individual data subject should be encouraged to review his/her file for accuracy, completeness and currency.

**9.2(c)** 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 data from third parties.)

**9.2(d)** 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.

**9.2(e)** 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.

**9.2(f)** Department heads should periodically conduct quality/validity checks on sample case files that contain data on individuals.

## **10.0 Data Accuracy, Currency and Completeness.**

**10.1 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 of which he or she is the subject. “Accurate” means the data are reasonably correct and free from error. “Complete” means the data describe all of the subject’s transactions with the City in a reasonable way.

To challenge the accuracy or completeness of data, the individual must notify the City’s Responsible Authority in writing describing the nature of the disagreement. The statement should describe why or how the data are inaccurate or incomplete and should also state what the individual wants the City to do to make the data accurate or complete. 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. Data in dispute shall be disclosed only if the individual’s statement of disagreement is included with the disclosed data. The Responsible Authority should provide the data subject with a written statement that informs the data subject of the right to appeal and should also provide a copy of Minnesota Rules Part 1205.1600.

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 to do so by the Commissioner.

**10.2 Employee Accuracy.** All City employees will be requested, and given appropriate forms, to annually provide updated personal information to the Responsible Authority, as necessary for tax, insurance, emergency notification, and other personnel purposes. Other individuals who provide private or confidential information will also be encouraged to provide updated information when appropriate.

**10.3 Review.** 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.

**City of Champlin  
Policy on Ensuring the Security of Not Public Data  
and Breach in Security Procedures**

## **I. Purpose**

The purpose of this policy is to outline expectations regarding the appropriate access to not-public data by public employees. “Not-public data” is defined as any government data classified by law as confidential, private, non-public, or protected non-public. Common examples of not-public data may include the name of a person who has signed up for a City newsletter, some law enforcement data, and certain personnel data.

City employees are required to sign a Data Practices Policy Acknowledgement Form indicating they have reviewed and understand the contents of this policy. Employee access to not-public data is limited to those individuals whose work responsibilities reasonably require access to the data.

## **II. Legal Requirement**

The adoption of this policy by the City of Champlin (City) satisfies the requirement in Minnesota Statute §13.05, Subdivision 5, to establish procedures ensuring appropriate access to not-public data. By incorporating employee access to not-public data into the City’s data inventory (required by Minnesota Statute §13.025, subd. 1), this policy limits access to not-public data to employees whose work assignment reasonably requires access.

All questions regarding this policy should be directed to the City’s Data Practices Compliance Official:

Executive Assistant/City Clerk  
Julie Tembreull  
Clerk@ci.champlin.mn.us  
(763) 923-7109  
11955 Champlin Drive  
Champlin, MN. 55316

## **III. Data Inventory**

A data inventory has been created and maintained by the City which identifies and describes all not-public data on individuals. As part of this inventory, a list of not-public data is maintained along with position titles of department heads and generally their designated employees whose work assignment reasonably requires access. In the event a temporary duty is assigned by a supervisor to another employee, that individual may access certain not-public data, for as long as the work is assigned to the employee.

In addition to the employees listed in the data inventory, the responsible Authority, the Data Practices Compliance Official, the City Administrator, senior management employees, and the City Attorney may have access to all not-public data maintained by the City if necessary for

specified duties. Any access to not-public data will be strictly limited to the data necessary to complete the work assignment.

## **A. Security**

All not public data will be stored in files or databases which are not readily accessible to individuals who are not authorized to access the data. The files and databases shall be secured during hours when the offices are closed. Security shall include:

1. Storing not public data only in City offices, except when necessary for City business.
2. Assigning appropriate security roles, limiting access to appropriate shared network drives, and implementing password protections for not public electronic data.
3. Password protecting employee computers and locking computers before leaving workstations.
4. Securing not public data within locked work spaces and in locked file cabinets.
5. Shredding not public documents before disposing of them.

## **B. Employee Access**

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain not public data. Within the City of Champlin, department heads may assign tasks by employee or by job classification. The responsible authority, in conjunction with department heads and employee supervisors shall determine which employee's job responsibilities require them to have access to not public data. If a department maintains not public data that all employees within such department do not have a work assignment allowing access to the data, the department will ensure that the not public data are secure. This policy also applies to departments that share workspaces with other departments within the City where not public data are maintained.

In the event of a temporary duty assigned by a manager or supervisor, an employee may access certain not public data for as long as the work is assigned to the employee.

The responsible authority or designee and department heads may have access to all not public data maintained by the City if necessary for specified duties. Any access to not public data will be strictly limited to the data necessary to complete the work assignment.

Employees with access to not public data will be instructed to:

1. Not discuss, disclose or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data;
2. Not leave private or confidential data where non-authorized individuals might see it;

3. Secure not-public data within locked work spaces and in locked file cabinets;
4. Password protect employee computers and locking computers before leaving workstations;
5. Shred private or confidential data before discarding, or dispose through confidential locked recycling.

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.

### **C. Data Sharing with Authorized Entities or Individuals**

State or federal law may authorize the sharing of not public data in specific circumstances. Not public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in applicable Tennessee warnings (see Minn. Stat. § 13.04) or the City will obtain the individual's informed consent. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law.

### **D. Penalties for Unlawfully Accessing Not Public Data**

The City will utilize the penalties for unlawful access to not public data as provided for in Minnesota Statutes, section 13.09, if necessary. Penalties include suspension without pay, dismissal, or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge.

## **IV. Breach in Security of Data**

### **A. Application**

This section applies to breaches of the security of not public data maintained by or on behalf of the City of Champlin. The responsible authority will implement and oversee these procedures and may delegate responsibilities to other City personnel as appropriate.

### **B. Definitions**

For purposes of this section the definitions in Minn. Stat. § 13.055 shall apply.

### **C. Reporting a Suspected Breach**

Any person who knows of or reasonably believes that a breach of the security of not public data has occurred shall immediately report the breach to the responsible authority, and, if they are a City employee or contractor, to their supervisor. City employees who report a breach under this policy shall not be subject to retaliation.

### **D. Response to Suspected Breach**

Upon the report of a suspected breach, the responsible authority shall take any and all actions necessary to secure the data and to protect the data from continued or repeated breach and shall conduct a preliminary internal assessment of the scope of the breach.

If the breach is suspected on a City computing system that contains or has network access to not public data, the responsible authority shall consult with City IT representatives and consider control measures including but not limited to removing the computing system from the City network.

## **E. Determination of Breach**

The responsible authority, in conjunction with the City Attorney, shall determine whether a breach has occurred. Due consideration should be given to the potential for damage to individuals if no breach is determined and notice is not provided.

## **F. Notice**

**1. Notice.** If it is determined that a breach has occurred, the responsible authority shall provide notice to all data subjects affected by the breach. The responsible authority, in conjunction with the City Attorney, shall determine whether notice is required to be provided and to whom such notice is to be provided. At a minimum, individuals shall be notified if their private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person. If specific individuals cannot be identified, notice should be sent to groups of individuals likely to have been affected, such as all whose information is stored in the database or files involved in the breach.

Appropriate measures should also be taken to prevent notice lists from being over-inclusive. The form of notice to be provided is attached hereto as Appendix B.

**2. Timing.** Notice shall be provided to all affected data subjects without unreasonable delay, subject to a) the legitimate needs of a law enforcement agency; and b) any measures necessary to determine the scope of the breach and restore the reasonable security of the data. Immediate notification may be appropriate in the event of a breach that could have immediate deleterious impact on individuals whose data may have been acquired by an unauthorized person.

**3. Content.** The notice shall generally include the following information:

- (a) A general description of what happened, and when, to the extent known.
- (b) The nature of the individual's private or confidential information that was involved (not listing the specific private/confidential data).
- (c) Information about what the City has done to protect the individual's private/confidential information from further disclosure.

- (d) City assistance (such as website information or phone number of a city resource) for further information about the incident.
- (e) Information, such as web sites, about what individuals can do to protect themselves against identity theft including; contact information for nationwide credit reporting agencies; the Federal Trade Commission and appropriate state agency resources, as applicable.
- (f) Information that a report will be prepared under Section I, below, how the individual may obtain access to the report, and that the individual may request delivery of the report by mail or email.

**4. Method.** Notice under this section may be provided by one of the following methods:

- (a) Written notice by first class mail to each affected individual;
- (b) Electronic notice to each affected individual, if the notice provided is consistent with the provisions regarding electronic records and signatures as set forth in United States Code, title 15, section 7001; or
- (c) Substitute notice, if the City demonstrates that the cost of providing the written notice required by paragraph (a) would exceed \$250,000, or that the affected class of individuals to be notified exceeds 500,000, or the City does not have sufficient contact information. Substitute notice consists of all of the following:
  - (i) E-mail notice if the City has an e-mail address for the affected individuals;
  - (ii) Conspicuous posting of the notice on the Web site page of the City if the City maintains a Web site; and
  - (iii) Notification to major media outlets that reach the general public within the City's jurisdiction.

## **G. Contacting Law Enforcement**

The responsible authority, in conjunction with the City Attorney, shall determine if it is appropriate to contact law enforcement in relation to any breach or suspected breach. Information may be shared with law enforcement consistent with applicable data privacy laws. If law enforcement is contacted, it should be informed of the City's practice to provide notice to affected individuals. If law enforcement advises that such notice would impede an active criminal investigation, notice may be delayed. Delayed notice should be sent out as soon as law enforcement advises that it would no longer impede the criminal investigation.

## **H. Coordination with Credit Reporting Agencies**

If notice is required to be given to 1,000 or more individuals at one time, the City shall notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis as defined in 15 U.S.C. Sect. 1681a, of the timing, distribution and content of the notice to be sent. Such contacts shall include but not be limited to the following:

Equifax:  
U.S. Consumer Services  
Equifax Information Services, LLC.  
Phone: 1-800-525-6285

Experian:  
Experian Security Assistance  
P.O. Box 72  
Allen, TX 75013  
1-888-397-3742

TransUnion:  
Phone: 1-800-680-7289

## **I. Report**

Upon completion of an investigation into any breach in the security of data and final disposition of any disciplinary action under Minn. Stat. § 13.43, including exhaustion of all rights of appeal under any applicable collective bargaining agreement, the responsible authority shall prepare a report on the facts and results of the investigation. If the breach involves unauthorized access to or acquisition of data by an employee, contractor, or agent of the government entity, the report must at a minimum include:

1. A description of the type of data that were accessed or acquired;
2. The number of individuals whose data was improperly accessed or acquired;
3. If there has been final disposition of disciplinary action for purposes of Minn. Stat. § 13.43, the name of each employee determined to be responsible for the unauthorized access or acquisition, unless the employee was performing duties under Minn. Stat. ch. 5B;
4. The final disposition of any disciplinary action taken against each employee in response.

## **J. Documentation**

The responsible authority or designee must document each reported breach, regardless of whether notice is given. Documentation should be completed at the time of the initial report or as soon thereafter as practical.

Where appropriate, all documentation related to the breach and investigation shall be labeled and maintained as not public pursuant to the applicable data privacy classification including, but not

limited to, "security information" as defined by Minn. Stat. § 13.37. Subd. 1(a). The documentation shall be retained by the responsible authority in accordance with the applicable records retention policy.

655312-v1

## **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 Champlin (the “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:

City Administrator  
Jenny Max  
jmax@ci.champlin.mn.us  
(763) 923-7110  
11955 Champlin Drive  
Champlin, MN. 55316

Data Compliance Official:

Executive Assistant/City Clerk  
Julie Tembreull  
clerk@ci.champlin.mn.us  
(763) 923-7109  
11955 Champlin Drive  
Champlin, MN. 55316

Designees:

Jenny Max, City Administrator	All Records
Julie Tembreull, City Clerk	All Records
Scott Schulte, Community Development Director	Community Development
Glen Schneider, Police Chief	Police Department
Dan Glynn, Parks & Recreation Director	Parks Department
Chris Rachner, Public Works Director	Public Works Department
Ted Massicotte, Fire Chief	Fire Department
Heather Nelson, City Engineer	Engineering
Korrie Johnson, Finance Director	Finance / Assessing / IT
Jeanne Goodwater, Payroll Clerk	Payroll
Kirsten McDermott, HR Generalist	Human Resources
Austin Rademacher, Building Official	Building Inspections
David Stifter, Utility Superintendent	Utility Department
Ashley Wagner, Communications Coordinator	Communications
Lexi Smith, City Planner	Planning/Community Development

## EXHIBIT 2

## Photocopying Charges

**Regular Photocopy Charge**      **\$.25 per page**  
(if 100 or fewer pages of black and white)

**Special Copy Charge Actual Cost\***

(charged in all other circumstances, including requests to provide data electronically or by facsimile)

\* the “actual cost” means the cost of any materials (paper, copier ink, staples, CDs/DVDs, video/audio tapes, etc.), any special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data, any mailing costs and any vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies. In addition, “actual cost” also includes City staff time spent making, certifying and compiling the copies (when requested by the data subject). For requests by anyone other than the data subject, the “actual cost” also includes City staff time spent retrieving the data to be copied, sorting and labeling the documents (if this is necessary to identify what is to be copied), removing staples or paper clips, taking documents to the copier for copying as well as making, certifying and compiling the copies. Labor costs are never charged for separating public from not public data.

## Document Charge

(charged for certain frequently requested documents, such as zoning codes, maps, etc.)

### **Fee as established in the City fee schedule**

### EXHIBIT 3



### INFORMATION DISCLOSURE REQUEST FORM

11955 CHAMPLIN DRIVE, CHAMPLIN, MN 55316-2399 •  
763.421.8100• ci.champlin.mn.us

### REQUEST FOR GENERAL INFORMATION

(Note: If requesting Police records request alternative form)

Date Received: \_\_\_\_\_ Received By:

Date Forwarded: \_\_\_\_\_ Forwarded To:

Date Responded: \_\_\_\_\_ Response By:

#### Requested Information

Requested information or documents may be reviewed in person at City Hall for no charge. If the information or documents cannot reasonably be made immediately available for viewing, you may make an appointment to review when it is available. If you wish someone to be contacted when it is available please enter contact information below. The requested information will be made available as soon as reasonably possible.

**Document title or description (attach additional sheets if needed):**


### **Copies**

If you want copies (including electronic data), you may be required to pay the actual costs of searching for and retrieving data, including the cost of employee time, and for making, certifying, compiling, copying, and/or electronically transmitting the data. (An individual may not be charged for costs related to separating public from not public data.) See Chapter 22 Fees of the City Code.

### **Copy Format Requested (Not all data is available in all formats) Circle One**

Photocopy      CD      DVD      Other: \_\_\_\_\_

### **Contact Information (Optional)**

The City may not require the identity of a Requestor of Public Data, but may ask Requestor to confirm that he or she is not the subject of the requested information. If you wish the City to notify someone when the information is available for review or that copies have been made, or if the City needs clarification of the request, it will need contact information.

Name:

Contact Phone:

E-mail Address:

Mail to Address:

Notes:

### **EXHIBIT 4 GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT**

1. **AUTHORIZATION.** City of Champlin ("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:

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3. **COST.** (Check all that apply):

The Authorized Party has been requested by the City to prepare summary data and will be paid in accordance with City policy. The estimated total is: \$\_\_\_\_\_.

\_\_\_\_\_ 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 estimated to be \$\_\_\_\_\_.

---

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, 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:

---

Complete Name (Printed)

Title

**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 officials and employees harmless from any liability, claims, damages, costs, judgments, or expenses, omission 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 \$1,500,000 per claimant for personal injuries and/or damages and \$1,500,000 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.** 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 provided to the City. The Authorized Party may retain one copy of the summary data created 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 CHAMPLIN:**

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

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

**EXHIBIT 5**  
**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 6**  
**CONSENT TO RELEASE PRIVATE DATA**

I, \_\_\_\_\_, authorize the City of Champlin (“City”) to  
(print name)  
release the following private data about me:

to the following person(s) or entity(ies):

The person(s) or entity(ies) receiving the private data may use it only for the following purpose or purposes:

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

I understand that my records are protected under state privacy regulations and cannot be disclosed without my 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 one year 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:**

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**Comparison with signature on file**  
**Other:**

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

**EXHIBIT 7**  
**CONSENT TO RELEASE COPYRIGHTED DATA**

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

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

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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.

---

Printed Name Title

### Complete Address Phone

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.

Notary Public  
My Commission Expires On: \_\_\_\_\_

**EXHIBIT 8**  
**SAMPLE DATA PRACTICES ADVISORY**  
**(Tennessen 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: \_\_\_\_\_

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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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## EXHIBIT 9

### City of Champlin Tennessen Warning Form

**It is the City of Champlin's responsibility to inform potential employees of their privacy rights. Please carefully read the Tennessen 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 Champlin 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 State Statutes 13.04 and 13.43 are two sections that govern what affects you as an applicant for employment at the City of Champlin. All data collected is considered private except for the following:

1. Your Veteran's status;
2. Relevant test scores;
3. Your job history;
4. Your education and training; and
5. Your 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 Champlin. Furnishing social security numbers is voluntary for applicants to the City of Champlin, 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, 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 notices as private data.

The information you give about yourself is needed to identify you and to assist the City of Champlin 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

**EXHIBIT 10**  
**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 acknowledges that, pursuant to Minnesota Statutes Section 13.05, subdivision 11, all of the data created, collected, received, stored, used, maintained or disseminated by Contract in performing the contract are subject to the requirements of the Minnesota Government Data Practices Act (the "Act"), Minnesota Statutes Chapter 13. Contractor is required to comply with the requirements of the Act as if it were a government entity. Contractor acknowledges that the remedies provided in Minnesota Statutes Section 13.08 apply to Contractor with respect to such data. Contractor will notify the City of all requests for data that Contractor receives. Contractor agrees to defend and indemnify the City from any claim, liability, or damage that result from Contractor's violation of the Act or this section of the contract. Upon termination of this contract, Contractor agrees to return data to the City as requested by the City. The obligations of this section of the contract, including the obligation to defend and indemnify the City, shall survive the termination of this Contract and shall continue so long as the data exists.

## **EXHIBIT 11**

### **Building Permit/Plans DATA PRACTICES ADVISORY**

You may be required to submit building plans with your building permit application so that the City of Champlin 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, a state statute, or a 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 non-public ONLY if they contain the following information:

Security information defined by Minnesota Statutes Section 13.37 as being “government data the disclosure of which the responsible authority determines 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 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, then 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 Champlin will determine whether or not the plans qualify for nonpublic data classification within 10 business days of the request.

Building plans and related documents submitted to the City are presumed to be public and by submitting them and 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 contain SECURITY INFORMATION as defined by Minn. Stat. § 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.

\_\_\_\_\_ **The building plans I have submitted contain TRADE SECRET INFORMATION as defined by Minn. Stat. § 13.37, subd. 1 (b) 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 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.

Explanation:

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Name of Applicant (Please Print)

---

Date

---

Signature of Applicant

---

Property address

---

Contact Address Contact

---

Phone Number

---

Contact E-mail Address

## APPENDIX A

### PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY THE CITY OF CHAMPLIN

**The list of data types is divided into the following categories: General; Administration; Community Development; Personnel; and Public Safety. The categories are provided only for convenience in locating types of data; inclusion in any particular category is not intended to indicate an exclusive location for that data type. (E.g., data listed under Personnel may be physically located in more than one City department.)**

#### **GENERAL**

##### **Audit Data (provided by State Auditor)**

CLASSIFICATION(S): Protected Nonpublic / Confidential

GOVERNING STATUTE: Minn. Stat. § 6.715, subd. 5

DESCRIPTION OF DATA: Data relating to an audit, examination or investigation performed by the state auditor. Data provided by the state auditor for purpose of review and verification must be protected from unlawful disclosure.

EMPLOYEE ACCESS: City Administrator, Finance Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

##### **Business Data**

CLASSIFICATION(S): Private/Nonpublic/Public

GOVERNING STATUTE: Minn. Stat. § 13.591

DESCRIPTION OF DATA: Data submitted to the City by a business requesting financial assistance or benefits financed by public funds are private or nonpublic data. The data becomes public when public financial assistance is provided or the business receives a benefit from the City, except that business plans, income and expense projections not related to the financial assistance provided, customer lists, income tax returns, and design, market and feasibility studies not paid for with public funds remain private or nonpublic.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, Community Development Director, EDA Director, Revolving Loan Committee members, and certain employees on an as needed basis as part of specific work assignments.

##### **City Attorney Records**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.393

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

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, Community Development Director, Chief of Police, Fire Chief, Finance Director, Building Official, Public Works Director, and certain employees on an as needed basis as part of specific work assignments.

### **Civil Investigative Data**

CLASSIFICATION(S): Confidential/Protected Nonpublic/Not public/Public

GOVERNING STATUTE: Minn. Stat. § 13.39

DESCRIPTION OF DATA: 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, with the exception of disputes where the sole issue is the City's timeliness in responding to a data request.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Community Dispute Resolution Center Data**

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.88

DESCRIPTION OF DATA: Data relating to a case in a community dispute resolution program.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Elected Officials Correspondence**

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.601, subd. 2

DESCRIPTION OF DATA: Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Electronic Payments, Credit Card Numbers,**

### **Bank Account Numbers (Nonpublic)**

CLASSIFICATIONS(S): Private or Nonpublic

GOVERNING STATUTE Minn. Stat. §§ 13.37; 13.6401

DESCRIPTION OF DATA: Information that would substantially jeopardize the security of information, possessions, or individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, Payroll Clerk, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Emergency Services for Homeless Persons**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.587

DESCRIPTION OF DATA: Data that identifies any individual receiving emergency services for homeless persons from the City under a grant from a state agency.

EMPLOYEE WORK ACCESS: City Administrator, Community Development Director, City Clerk, City Planner, and certain employees on an as needed basis as part of specific work assignments.

### **Financial Disclosure Statements**

CLASSIFICATION(S): Public

GOVERNING STATUTE: Minn. Stat. § 13.601, subd. 1.

**DESCRIPTION OF DATA:** Financial disclosure statements of elected or appointed officials which, by requirement of the City, are filed with the City, are public data on individuals.  
**EMPLOYEE WORK ACCESS:** City Administrator, City Clerk, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Grants**

CLASSIFICATION(S): Nonpublic / Private

GOVERNING STATUTE: Minn. Stat. § 13.599

**DESCRIPTION OF DATA:** Data created by state agency providing grants and persons/agencies that apply for or receive grants.

**EMPLOYEE ACCESS:** City Administrator, Community Development Director, City Clerk, Finance Director, Public Works Director, City Planner, Chief of Police, City Engineer, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

### **Identity of Employees Making Complaints**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 181.932, subd. 2; 13.7905, subd. 5(b)

**DESCRIPTION OF DATA:** The identity of an individual who reports to any governmental body or law enforcement official a violation or suspected violation by the individual's employer of any federal or state law or rule.

**EMPLOYEE WORK ACCESS:** City Administrator, Chief of Police, City Clerk, HR Generalist, and certain employees on an as needed basis as part of specific work assignments.

### **Internal Competitive Response**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.591, subd. 5, 13.37.

**DESCRIPTION OF DATA:** A bid or proposal to provide government goods or services that is prepared by the staff of a government entity in competition with bids or proposals solicited by the same government entity from the private sector or a different government entity from the private sector are classified as private or nonpublic until completion of the selection process or completion of the evaluation process at which time the data are public with the exception of trade secret data as defined and classified in Minnesota Statutes Section 13.37.

**EMPLOYEE WORK ACCESS:** City Administrator, Public Works Director, City Planner, and certain employees on an as needed basis as part of specific work assignments.

### **Internal Auditing Data**

CLASSIFICATION(S): Confidential/Private/Protected Nonpublic/Public

GOVERNING STATUTE: Minn. Stat. § 13.392

**DESCRIPTION OF DATA:** Data, notes, and preliminary drafts of reports created, collected and maintained by the internal audit offices of the city or by person performing audits for the city and relating to an audit or investigation; data on an individual supplying information for an audit or investigation, under specified circumstances.

**EMPLOYEE ACCESS:** City Administrator, Finance Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Judicial Data**

CLASSIFICATION(S): Confidential/Private/Protected Nonpublic/Public

GOVERNING STATUTE: Minn. Stat. § 13.03, subd. 4(e)

**DESCRIPTION OF DATA:** Judicial branch data disseminated to the city has the same classification in the hands of the city as it had in the hands of judicial branch entity providing it. If the data have a specific classification in state statute or federal law, the city must maintain the data according to that specific classification.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Personal Contact and Online Account Information**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. §§ 13.356, 13.04, subd. 2.

**DESCRIPTION OF DATA:** Data on an individual collected, maintained, or received by the City for notification purposes or as part of a subscription list for the City's electronic periodic publications as requested by the individual. This data includes telephone numbers, e-mail addresses, internet user names and passwords, Internet protocol addresses, and any other similar data related to the individual's online account or access procedures. This data may only be used for the specific purpose for which the individual provided the data. This data also does not include data submitted for purposes of making a public comment.

**EMPLOYEE WORK ACCESS:** City Administrator, City Clerk, Communications Coordinator and certain employees on an as needed basis as part of specific work assignments.

### **Requests for Proposals**

**CLASSIFICATION(S):** Private/Nonpublic/Not public/Public

**GOVERNING STATUTE:** Minn. Stat. §§ 13.591, subd. 3(b), 13.37.

**DESCRIPTION OF DATA:** Data submitted by a business to the City in response to a request for proposals is not public data until the responses are opened. Once the responses are opened, the name of the responder is public. All other data in a response to a request for proposal are private or nonpublic data until completion of the evaluation process. After completion of the evaluation process, all remaining data submitted by responders are public with the exception of trade secret data as classified in Minn. Stat. § 13.37. If all responses to a request for proposals are rejected prior to completion of the evaluation process, all data, other than that made public at the response opening, remain private or nonpublic until a resolicitation of the requests for proposal results in the completion of the evaluation process or a determination is made to abandon the purchase. If rejection occurs after the completion of the evaluation process, the data remains public. If resolicitation of the proposals does not occur within one year of the proposal opening data, the remaining data become public.

**EMPLOYEE WORK ACCESS:** City Administrator, Community Development Director, City Clerk, Public Works Director, Finance Director, City Planner, Building Official, City Engineer, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

### **Sealed Bids**

**CLASSIFICATION(S):** Private / Nonpublic

**GOVERNING STATUTE:** Minn. Stat. § 13.37

**DESCRIPTION OF DATA:** Sealed bids, including the number of bids received, prior to opening.

**EMPLOYEE WORK ACCESS:** City Administrator, City Clerk, City Engineer, Public Works Director, Finance Director, Community Development Director, Police Chief, Fire Chief.

## **Security Information**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: Data which if the City's Responsible Authority determines 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 checking account numbers, crime prevention block maps and lists of volunteers who participate in community crime prevention programs and the volunteers' home and mailing addresses, telephone numbers, e-mail or other digital addresses, Internet communication services account information or similar account information, and global positioning system locations. If the City denies a data request based on a determination that the data are security information, upon request, the City must provide a short description explaining the necessity for the classification.

EMPLOYEE WORK ACCESS: City Administrator, Community Development Director, Public Works Director, City Clerk, Fire Chief, Chief of Police, Finance Director, City Planner, and certain employees on an as needed basis as part of specific work assignments.

## **Service Cooperative Claims Data**

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.203

DESCRIPTION OF DATA: Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through Minnesota service cooperatives to Minnesota political subdivisions and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

## **Social Security Numbers**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.355

DESCRIPTION OF DATA: Social security numbers of individuals, or any part of a social security number.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, HR Generalist, Finance Director, Public Works Director, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

## **Social Security Numbers on Mailings**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.355, subd. 3

DESCRIPTION OF DATA: City may not mail, deliver, or cause to be mailed or delivered an item that displays a Social Security number on the outside of the item or visible without opening the item.

EMPLOYEE ACCESS: City Administrator, HR Generalist, Finance Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Trade Secret Information**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: 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.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, City Engineer, Public Works Director, and certain employees on an as needed basis as part of specific work assignments.

### **Utility Disconnections**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.681, subd. 6 and 216B.0976, subd. 2

DESCRIPTION OF DATA: Data on customers provided to the City by a utility regarding disconnection of gas or electric service.

EMPLOYEE WORK ACCESS: City Administrator, City Clerk, Finance Director, Utility Superintendent, and certain employees on an as needed basis as part of specific work assignments.

## **ADMINISTRATION**

### **Absentee Ballots**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37 and 13.607, subd. 7 and 203B.12, subd. 7

DESCRIPTION OF DATA: Sealed absentee ballots, before opening by an election judge, are private. Names of voters submitting absentee ballots may not be made available for public inspection until the close of voting on Election Day.

EMPLOYEE ACCESS: City Administrator, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Assessor's Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.51

DESCRIPTION OF DATA: Data contained on sales sheets from private multiple listing service organizations; income information on individuals used to determine eligibility of property for classification for class 4(d) under Minnesota Statutes Section 273.126; and specified data regarding income properties.

EMPLOYEE ACCESS: City Administrator, Finance Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Business Energy Accountability**

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.681

DESCRIPTION OF DATA: Data provided by a business on an inventory form for business energy use accountability.

**EMPLOYEE ACCESS:** City Administrator, Community Development Director, City Clerk, Public Works Director, and certain employees on an as needed basis as part of specific work assignments.

### **Candidates for Election to City Council**

CLASSIFICATION(S): Public/private

GOVERNING STATUTE: Op. Atty.Gen. No. 852, October 6, 2006; Advisory Opinion No. 05-036; Minn. Stat. § 13.607, subd. 8 and 204B.06, subd. 1b

DESCRIPTION OF DATA: Data created, collected or maintained about an individual candidate for election to the City Council is public. An affidavit of candidacy must state an address of residence and telephone number. The candidate may request that the address be classified as private data by certifying that a police report has been submitted or an order for protection has been issued in regard to the safety of the candidate or candidate's family.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Computer Access Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.15

DESCRIPTION OF DATA: Data created, collected, or maintained about a person's access to the City's computer for the purpose of: (1) gaining access to data or information; (2) transferring data or information; or (3) using government services.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, HR Generalist, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Deferred Assessment Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.52

DESCRIPTION OF DATA: Data collected pursuant to Minnesota Statutes Section 435.193, which indicates the amount or location of cash or other valuables kept in the homes of applicants for deferred assessment.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Public Works Director, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Federal Contracts Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.35

DESCRIPTION OF DATA: All data collected and maintained by the City when required to do so by a federal agency as part of its contract with the City.

**EMPLOYEE ACCESS:** City Administrator, Public Works Director, City Planner, Chief of Police, Fire Chief, City Clerk, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Homestead Applications**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.4965, subd. 3, 273.124, subd. 13

**DESCRIPTION OF DATA:** Social security numbers, affidavits or other proofs of entitlement to homestead status that are submitted by property owners or their spouses. The data may be disclosed to the Commissioner of Revenue or, under limited circumstances, the county treasurer.

**EMPLOYEE ACCESS:** City Administrator, Finance Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Library and Historical Data**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. § 13.40

**DESCRIPTION OF DATA:** Data that links a library patron's name with materials requested or borrowed or with a specific subject about which the patron has requested information; data in applications for borrower cards, other than the name of the borrower; data contributed to a historical records repository operated by the City, if the data was contributed under an agreement that restricts access or if access would significantly endanger the physical or organizational integrity of the data.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Lodging Tax Data**

**CLASSIFICATION(S):** Nonpublic

**GOVERNING STATUTE:** Minn. Stat. § 13.495

**DESCRIPTION OF DATA:** Data, other than basic taxpayer identification data, collected from taxpayers under a lodging tax ordinance.

**EMPLOYEE ACCESS:** City Administrator, Community Development Director, City Clerk, Finance Director, City Planner and certain employees on an as needed basis as part of specific work assignments.

### **Municipal Bonds Register Data**

**CLASSIFICATION(S):** Private/Nonpublic

**GOVERNING STATUTE:** Minn. Stat. §§ 13.202, subd. 12, 475.55, subd. 6

**DESCRIPTION OF DATA:** Data with respect to the ownership of municipal obligations.

**EMPLOYEE ACCESS:** City Administrator, Community Development Director, City Clerk, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Municipal Self-insurer Claims**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. §§ 13.202, subd. 9(a), 471.617, subd. 5

**DESCRIPTION OF DATA:** Data about individual claims or total claims made by an individual under a self-insured health benefit plan of a municipality.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Parking Space Leasing Data**

**CLASSIFICATION(S):** Private/Nonpublic

**GOVERNING STATUTE:** Minn. Stat. § 13.37

**DESCRIPTION OF DATA:** The following data on an applicant for or lessee of a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, work telephone number and location of the parking space.

**EMPLOYEE ACCESS:** City Administrator, Community Development Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Political Subdivision Licensing Data**

**CLASSIFICATION(S):** Private, Non-Public

**GOVERNING STATUTE:** Minn. Stat.13.204

**DESCRIPTION OF DATA:** a tax return, as defined by section 270B.01, subdivision 2; and (2) a bank account statement. Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, Fire Chief, Community Development Director, Building Official, and certain employees on an as needed basis as part of specific work assignments.

### **Registered Voter Lists**

**CLASSIFICATION(S):** Confidential/Public

**GOVERNING STATUTE:** Minn. Stat. §§ 13.607, subd. 6; 201.091

**DESCRIPTION OF DATA:** Information contained in the master list of registered voters.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Election Judges, and certain employees on an as needed basis as part of specific work assignments.

### **Security Service Data**

**CLASSIFICATION(S):** Nonpublic/Private/Public

**GOVERNING STATUTE:** Minn. Stat. §§ 13.861, 13.37 and 13.82, subd. 2, 3 and 4.

**DESCRIPTION OF DATA:** Data collected, created, or maintained by a security service for the purpose of providing security services to the City.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, Public Works Director, and certain employees on an as needed basis as part of specific work assignments.

### **Social Recreational Data**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. § 13.548

**DESCRIPTION OF DATA:** For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identify 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.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Solid Waste Collector Customer Lists**

**CLASSIFICATION(S):** Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.7411, subd. 4 (c), 115A.93, subd. 5

DESCRIPTION OF DATA: Customer lists provided to the City by solid waste collectors.

EMPLOYEE ACCESS: City Administrator, Public Works Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Transportation Service Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.72, subd. 10

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

EMPLOYEE ACCESS: City Administrator, City Clerk, Community Development Director, City Engineer, City Planner, and certain employees on an as needed basis as part of specific work assignments.

## **COMMUNITY DEVELOPMENT**

### **Appraisal Data**

CLASSIFICATION(S): Confidential/Protected Nonpublic/Public

GOVERNING STATUTE: Minn. Stat. § 13.44, subd. 3

DESCRIPTION OF DATA: Appraisals made for the purpose of selling or acquiring land through purchase or condemnation. Data made confidential or protected nonpublic may, among other ways set forth in the statute, become public at the discretion of the City, determined by majority vote of the City Council.

EMPLOYEE ACCESS: City Administrator, Community Development Director, City Engineer, City Clerk, City Planner, and certain employees on an as needed basis as part of specific work assignments.

### **Award Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.48

DESCRIPTION OF DATA: Financial data on business entities submitted to the City for the purpose of presenting awards to business entities for achievements in business development or performance.

EMPLOYEE ACCESS: City Administrator, Community Development Director, City Clerk, City Planner, and certain employees on an as needed basis as part of specific work assignments.

### **Benefit Data**

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.462

DESCRIPTION OF DATA: Data on individuals, corporations and/or partnerships collected or created when individuals, corporations and/or partnerships seek information about applying for or who are recipients of benefits or services provided under any housing, home ownership, rehabilitation and community action agency, Head Start, or food assistance programs administered by the City.

EMPLOYEE ACCESS: City Administrator, Community Development Director, City Clerk, City Planner, and certain employees on an as needed basis as part of specific work assignments.

### **Convention Center Data**

CLASSIFICATION(S): Private/Nonpublic/Public

GOVERNING STATUTE: Minn. Stat. § 13.55

DESCRIPTION OF DATA: Letters or documentation from any person who makes inquiry to or who is contacted by the convention facility regarding availability of the facility for staging events; identity of firms and corporations that contact the facility; the type of event that the contacting person wants to stage in the facility; suggested terms of rentals and responses of staff to such inquiries are non public data. The names, addresses and contact persons for individual exhibitors if the facility determines that privacy is necessary to protect the competitive position of the facility or its customers.

EMPLOYEE ACCESS: City Administrator, Community Development Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Housing Agency Data**

CLASSIFICATION(S): Confidential / Private / Protected Nonpublic / Nonpublic / Public

GOVERNING STATUTE: Minn. Stat. § 13.585

DESCRIPTION OF DATA: Correspondence between the agency and agency's attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation; income information on individuals collected and maintained to determine property tax classification eligibility; data pertaining to negotiations with property owners regarding the purchase of property.

EMPLOYEE ACCESS: City Administrator, Community Development Director, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Property Complaint Data**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.44, subd. 1

DESCRIPTION OF DATA: Data that identifies individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

EMPLOYEE ACCESS: City Administrator, Community Development Director, Chief of Police, City Planner, Building Official, and certain employees on an as needed basis as part of specific work assignments.

### **Redevelopment Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.59

DESCRIPTION OF DATA: Names and addresses of individuals and businesses and the legal descriptions of property owned by individuals and businesses, when collected in surveys of individuals conducted by the City for the purposes of planning, development, and redevelopment.

EMPLOYEE ACCESS: City Administrator, Community Development Director, City Engineer, City Clerk, City Planner, and certain employees on an as needed basis as part of specific work assignments.

## **PERSONNEL**

### **Applicants for Appointment and Members of Boards and Commissions**

CLASSIFICATION(S): Public/Private

**GOVERNING STATUTE:** Minn. Stat. § 13.601, subd. 3

**DESCRIPTION OF DATA:** Data on applicants for appointment to the City Council, City boards or City commissions are private except that the following are public: name, city of residence (except when the appointment has a residence requirement that requires the entire address to be public), education and training, employment history, volunteer work, awards and honors, prior government service, any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to Minnesota Statutes Section 15.0597, and veteran status.

Once the individual is appointed, the following additional items become public: residential address and either a telephone number or electronic mail address where the person can be reached, first and last dates of service on the Council or commission, the existence and status of any complaints or charges against the individual, and upon completion of an investigation of a complaint or charge against an individual, the final investigative report is public, unless access to the data would jeopardize an active investigation. Any electronic mail address or telephone number provided by the City for use by an appointee is public. An appointee may use an electronic mail address or telephone number provided by the City as the designated electronic mail address or telephone number at which he or she can be reached.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, HR Generalist and certain employees on an as needed basis as part of specific work assignments.

### **Employee Drug and Alcohol Tests**

**CLASSIFICATION(S):** Confidential/Private

**GOVERNING STATUTE:** Minn. Stat. §§ 13.7905, subd. 5(c), 181.954, subd. 2 and 3

**DESCRIPTION OF DATA:** Results of employee drug and alcohol tests.

**EMPLOYEE ACCESS:** City Administrator, Community Development Director, HR Generalist, City Clerk, Public Works Director, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

### **Employment and Training Data**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. § 13.47

**DESCRIPTION OF DATA:** Data on individuals collected, maintained, used, or disseminated because an individual applies for, is currently enrolled in, or has been enrolled in employment and training programs funded with federal, state or local resources.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, Public Works Director, and certain employees on an as needed basis as part of specific work assignments.

### **Examination Data**

**CLASSIFICATION(S):** Private/Confidential/Nonpublic

**GOVERNING STATUTE:** Minn. Stat. § 13.34

**DESCRIPTION OF DATA:** Completed versions of personnel and licensing examinations.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, HR Generalist, Chief of Police, Public Works Director, and certain employees on an as needed basis as part of specific work assignments.

### **Human Rights Data**

**CLASSIFICATION(S):** Confidential/Private/Protected Nonpublic/Public

GOVERNING STATUTE: Minn. Stat. §§ 13.552, 363A.28 and 363A.35

DESCRIPTION OF DATA: Data maintained by the human rights department of the City, including: investigative data in an open case file; the name and address of the charging party or respondent, factual basis of the allegations, and statute or ordinance under which the charge is brought; investigative data in a closed case file.

EMPLOYEE ACCESS: City Administrator, City Clerk, HR Generalist and certain employees on an as needed basis as part of specific work assignments.

### **Labor Relations Information**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

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

EMPLOYEE ACCESS: City Administrator, City Clerk, Public Works Director, HR Generalist, Chief of Police, Fire Chief, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Personnel and Employment Data**

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.43.

DESCRIPTION OF DATA: Data on individuals maintained because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with the City.

Generally all data about persons who are or were an employee, an applicant for employment, a volunteer, or an independent contractor are private, with the exceptions noted below.

NOTE: This section applies to members of the City Council after their election or appointment to the Council. It also applies to applicants for appointment to the City Council (e.g., in case of vacancy), but not to candidates for election to the City Council, together with Minnesota Statutes Section 13.601 (see “Applicants for Appointment and Members of Advisory Boards” above).

EMPLOYEE ACCESS: City Administrator, City Clerk, Public Works Director, Chief of Police, Fire Chief, Finance Director, Building Official, and certain employees on an as needed basis as part of specific work assignments.

### ***Public Data - Applicants***

The following data on current and former applicants is public:

- \* Veteran Status
- \* Relevant test scores
- \* Rank on eligibility 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 of applicants for appointment to and members of an advisory board or commission.

### ***Public Data - Employees***

The following data on current and former employees (including Council members), volunteers, and independent contractors are public:

- \* Name
- \* Employee identification number, which may not be a social security number
- \* Actual gross salary
- \* Salary Range
- \* Terms and conditions of employment relationship
- \* Contract fees
- \* Actual gross pension
- \* Value and nature of employer paid fringe benefits
- \* Basis for and the amount of added remuneration, including expense reimbursement, in addition to salary
- \* Job title
- \* Bargaining unit
- \* 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, regardless of whether the complaint or charge resulted in a disciplinary action
- \* 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 of the City.
- \* Complete terms of any agreement settling any dispute arising from the employment relationship, including a “buyout” agreement as defined in Minnesota Statutes Section 123B.143, subdivision 2, paragraph (a). The agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;
- \* Work location
- \* Work telephone number
- \* Badge number
- \* Work-related continuing education
- \* 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.

***“Final disposition” of a disciplinary action:*** a final disposition occurs when the City makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the City, or arbitrator. In the case of arbitration proceedings arising under collective bargaining agreements, a final

disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement.

A disciplinary action does not become public data if an arbitrator sustains a grievance and reverses all aspects of any disciplinary action.

The City may display a photograph of a current or former employee to a prospective witness as part of the City's investigation of any complaint or charge against the employee.

A complainant has access to a statement provided by the complainant to the City in connection with a complaint or charge against an employee.

Notwithstanding other provisions contained in Minnesota Statutes Section 13.43, subdivision 2, upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

***"Public Official"*** means:

\* The chief administrative officer, or the individual acting in an equivalent position, in all political subdivisions

Data relating to a complaint or charge against a public official are public only if: (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. This paragraph does not authorize the release of data that are made not public under other law.

#### ***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 City 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 and to the Bureau of Mediation Services to the extent this it is necessary to conduct elections, notify employees of fair share fee assessments, or to implement state labor laws.

In addition, pursuant to Minn. Stat. 13.43 Subd. 6, certain personnel data may be disseminated to labor organizations, including personnel data described in Minn. Stat. § 179A.07, subd. 8. The home addresses, non-employer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive

representations and their members, prospective members, and nonmembers are private data on individuals.

#### ***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 the data would threaten the personal safety of the complainant or witness, or subject the complainant or witness to harassment. However, summary 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.

#### ***Continuity of Operations***

An employee's personal home contact information may be used to ensure that an employee can be reached in event of an emergency or other disruption affecting continuity of operations of the City or other government entity, including sharing the information with another government entity.

### **Public Employees Retirement Association Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.63

DESCRIPTION OF DATA: The home address, date of birth, direct deposit account number, and tax withholding data of individual beneficiaries and survivors of members are Private Data on Individuals.

EMPLOYEE ACCESS: City Administrator, City Clerk, HR Generalist, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

### **Salary Benefit Survey Data**

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.435

DESCRIPTION OF DATA: Salary and personnel benefit survey data purchased from consulting firms, nonprofit corporations or associations or obtained from employers with the written understanding that the data shall not be made public.

EMPLOYEE ACCESS: City Administrator, City Clerk, HR Generalist, Finance Director, and certain employees on an as needed basis as part of specific work assignments.

## **PUBLIC SAFETY**

### **911 Emergency Telephone Service**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.202, subd. 6, 403.07, subd. 3 and 4

DESCRIPTION OF DATA: Names, addresses and telephone numbers provided to a 911 system.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

### **Ambulance Service Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.381, subd. 12, 144E.123

DESCRIPTION OF DATA: Ambulance reports/pre-hospital medical care data are private data on individuals.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

### **Arson Investigation**

CLASSIFICATION(S): Confidential/Public

GOVERNING STATUTE: Minn. Stat. §§ 13.6905, subd. 26, 299F.055 and 299F.056

DESCRIPTION OF DATA: Information relating to a fire loss or potential fire loss.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, Fire Chief, Police and certain employees on an as needed basis as part of specific work assignments.

### **Body Worn Camera Data – See Separate Policy.**

### **Child Abuse Report Records**

CLASSIFICATION(S): Confidential/Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6 (b), 13.82, subd. 8 and 9 and 626.556

DESCRIPTION OF DATA: Active or inactive investigative data that identify a victim of child abuse or neglect reported under Minnesota Statutes Section 626.556 are private data on individuals. Active or inactive investigative data that identify a reporter of child abuse or neglect under Minnesota Statutes Section 626.556 are confidential data on individuals, unless the subject of the report compels disclosure under Minnesota Statutes Section 626.556, subd. 11.

Investigative data that become inactive under Minnesota Statutes Section 626.556, subd. 7 (a) or (b) and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care, as defined in Minnesota Statutes Section 626.556, subdivision 2 are private data.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Civil Commitment Data**

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 253D.08

DESCRIPTION OF DATA: Notwithstanding any provision of Chapter 13, a county attorney considering the civil commitment of a person may obtain records and data from the City upon request and without a court order. Data collected pursuant to this section shall retain their original

status and, if not public, are inadmissible in any court proceeding unrelated to civil commitment, unless otherwise permitted.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police and certain employees on an as needed basis as part of specific work assignments.

### **Corrections and Detention Data**

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.85

DESCRIPTION OF DATA: Data on individuals created, collected, used or maintained by a City correctional or detention facility, the release of which would disclose medical, psychological, financial or personal information not related to the individual's detainment or which would endanger an individual's life; detention data, the release of which would endanger an individual's life, endanger the effectiveness of an investigation, identify a confidential informant, or clearly endanger the security of any institution or its population.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Crime Victim Notice of Release**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 5 (a), 611A.06

DESCRIPTION OF DATA: All identifying information regarding a crime victim, including a victim's request for notice of release and a notice of release made pursuant to Minnesota Statutes Section 611A.06.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Criminal Gang Investigative Data System**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. §§ 13.6905, subd. 14, 299C.091

DESCRIPTION OF DATA: Data in the criminal gang investigative data system are confidential data on individuals as defined in Minnesota Statutes Section 13.02, subdivision 3, but are accessible to law enforcement agencies and may be released to the criminal justice agencies.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Criminal History Data**

CLASSIFICATION(S): Private / Public

GOVERNING STATUTE: Minn. Stat. § 13.87

DESCRIPTION OF DATA: Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to Minnesota Statutes Section 13.02, subdivision 12, except that the data created, collected or maintained by the Bureau of Criminal Apprehension that identify an individual who was convicted of a crime, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency and confinement information are public data for 15 years following the discharge of the sentence imposed for that offense.

Data maintained in the integrated search service is private. An individual who is the subject of the data may only be provided with (1) a list of government entities that provided public or private

data about the individual and (2) data that describes what is maintained about the individual at each government entity on the list.

**EMPLOYEE ACCESS:** City Administrator, Chief of Police, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Criminal History Data – Discharge / Dismissal of Crime**

**CLASSIFICATION(S):** Not Public

**GOVERNING STATUTE:** Minn. Stat. § 13.871 subd. 10

**DESCRIPTION OF DATA:** Data in criminal discharge and dismissal records is classified under Minn. Stat. § 609.3751, subd. 5.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Data on Videotape Consumers**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. §§ 325I.02, subd. 2, 13.487, subd. 3

**DESCRIPTION OF DATA:** Personally identifiable information concerning a videotape consumer that a law enforcement agency obtains in connection with an action commenced by the videotape seller or provider to collect fines for overdue or unreturned videotapes or collection for unpaid videotapes.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police and certain employees on an as needed basis as part of specific work assignments.

### **Detention Data**

**CLASSIFICATION(S):** Private/Confidential/Public

**GOVERNING STATUTE:** Minn. Stat. § 13.85

**DESCRIPTION OF DATA:** Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in a correctional or detention facility, including a City jail or lockup.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Diversion Program Data**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. §§ 13.6905, subd. 18, 299C.46, subd. 5

**DESCRIPTION OF DATA:** Names and identifying data concerning diversion program participants that are maintained in the criminal justice data communications network.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Domestic Abuse Data**

**CLASSIFICATION(S):** Confidential/Public

**GOVERNING STATUTE:** Minn. Stat. § 13.80

**DESCRIPTION OF DATA:** Data on individuals collected, created, received or maintained by the Police Department pursuant to the Domestic Abuse Act.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

## **E-Charging Data**

CLASSIFICATION(S): Private/Nonpublic, Confidential/Protected Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.871, subd. 11 and 299C.41.

DESCRIPTION OF DATA: Credentialing data is private or nonpublic data. Auditing data and workflow and routing data are classified as provided by other law.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

## **EMT or First Responder Misconduct Data**

CLASSIFICATION(S): Confidential/Protected Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.383, subd. 2, 144E.305, subd. 3.

DESCRIPTION OF DATA: Reports of emergency medical technicians, emergency medical technicians-intermediate, emergency medical technicians-paramedic or first responder's misconduct are considered to be confidential or protected nonpublic while an investigation is active. Except for the Emergency Medical Services Regulatory Board's final determination, all communications or information received by or disclosed to the Board relating to disciplinary matters of any person or entity subject to the Board's regulatory jurisdiction are confidential and privileged and any disciplinary hearing shall be closed to the public.

EMPLOYEE ACCESS: City Administrator, City Clerk, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

## **Explosives Use and Storage**

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.6905, subd. 28a; Minn. Stat. § 299F.28 and 299F.75, subd. 4

DESCRIPTION OF DATA: Data related to use and storage of explosives by individuals holding a permit, including locations of storage, place and time of intended use of explosives or blasting agents, and place and means of storage of explosives or blasting agents. Data may be shared with a government entity or utility whose job duties require access to a facility containing explosives but may not be disclosed to anyone not directly involved in work to be completed at the site where the explosives or blasting agents are stored or used.

EMPLOYEE ACCESS: City Administrator, City Clerk, Public Works Director, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

## **Firearms Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.87, subd. 2

DESCRIPTION OF DATA: Data about the purchase or transfer of firearms and applications for permits to carry firearms.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

## **Hazardous Substance Emergency**

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.6905, subd. 27, 299F.095 and 299F.096, subd. 1

DESCRIPTION OF DATA: Information contained in hazardous materials notification reports made pursuant to Minnesota Statutes Sections 299F.091 to 299F.099.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Public Works Director, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

### **Health Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.3805, subd. 1

DESCRIPTION OF DATA: Data on individuals created, collected, received or maintained by the City relating to the identification, description, prevention, and control of disease or as part of an epidemiologic investigation designated by the commissioner of health as necessary to analyze, describe or protect the public health.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

### **Integrated Search Service Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.873

DESCRIPTION OF DATA: Data on individuals stored on one or more databases maintained by criminal justice agencies and accessible through the integrated search service operated by the Bureau of Criminal Apprehension

**EMPLOYEE ACCESS:** City Administrator, Chief of Police, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Investigative Detention Data**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.86

DESCRIPTION OF DATA: Data created, collected, used or maintained by a City correctional or detention facility that, if revealed, would identify an informant who provided information about suspected illegal activities and is likely to subject the informant to physical reprisals by others.

**EMPLOYEE ACCESS:** City Administrator, Chief of Police, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

### **Law Enforcement Data**

CLASSIFICATION(S): Private/Confidential/Public/Non Public

GOVERNING STATUTE: Minn. Stat. §§13.82, 259.10, subd. 2

DESCRIPTION OF DATA: Certain arrest data, request for service data, and response or incident data are public data.

**EMPLOYEE ACCESS:** City Administrator, Chief of Police, City Clerk, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

An audio recording of a call placed to a 911 system for the purpose of requesting service from law enforcement, fire or medical emergency is private data on individuals, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected under Minnesota Statutes Section 13.82, subdivision 17.

Criminal investigative data collected or created by a law enforcement agency in order to prepare a case against a person for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation

is still active. Investigative data that are a person's financial account number or transaction numbers are private or nonpublic data at the close of the investigation.

Photographs that are part of inactive investigative files and that are clearly offensive to common sensibilities are classified as private or nonpublic, provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file.

Data on court records relating to name changes under Minnesota Statutes Section 259.10, subdivision 2 which is held by a law enforcement agency is confidential data on an individual while an investigation is still active and is private data on an individual when the investigation becomes inactive.

Data in arrest warrant indices are classified as confidential data until the defendant has been taken into custody, served with a warrant or appears before the court, except when the law enforcement agency determines that the public purpose is served by making that information public.

Data that uniquely describe stolen, lost, confiscated or recovered property are classified as either private data on individuals or nonpublic data depending on the content.

Financial records of a program that pays rewards to informants are protected nonpublic data in the case of data not on individuals or confidential data in the case of data on individuals.

Data on registered criminal offenders are private data on individuals.

Data in missing children bulletins are public data.

Data that reflect deliberative processes or investigative techniques of law enforcement agencies are confidential data on individuals or protected nonpublic data, provided that information, reports, or memoranda that have been adopted as the final opinion or justification for a decision of a law enforcement agency are public data.

Booking photographs are public data.

Data that would reveal the identity of persons who are customers of a licensed pawnbroker, secondhand goods dealer or scrap metal dealer are private data on individuals.

Data describing the property in a regulated transaction with a licensed pawnbroker, secondhand goods dealer or scrap metal dealer are public.

### **Orders for Protection and No Contact Orders**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 13 and 299C.46, subd. 6

DESCRIPTION OF DATA: Data from orders for protection or no contact orders and data entered by law enforcement to assist in enforcement of those orders. Data about the offender can be shared with the victim for purposes of enforcement of the order.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

## **Peace Officer Discipline Procedures**

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6(p), 626.89, subd. 6 and 13.43

DESCRIPTION OF DATA: Investigative report made by a law enforcement agency in connection with a peace officer disciplinary matter; identities of confidential informants in such matters; identities of witnesses expected to testify in disciplinary hearings.

EMPLOYEE ACCESS: City Administrator, Chief of Police, HR Generalist, City Clerk, and certain employees on an as needed basis as part of specific work assignments.

## **Peace Officer Records on Juveniles**

CLASSIFICATIONS(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.875, subd. 2, 260B.171, subd. 5.

DESCRIPTION OF DATA: Peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

## **Peace Officer Reports on Accidents**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 169.09, subd. 13

DESCRIPTION OF DATA: Data collected by law enforcement agencies as required for a report of an accident under Minn. Stat. § 169.09, subd. 8. Data must be disclosed to, upon written request by, individuals involved in an accident or representing the individual's estate, surviving spouse, next of kin, or an appointed trustee, or other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident. Data must also be disclosed, upon written request, to the attorney, or representative of the insurer of any of those listed above.

EMPLOYEE ACCESS: City Administrator, Chief of Police, Fire Chief, City Clerk and certain employees on an as needed basis as part of specific work assignments.

## **Reports of Gunshot Wounds**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6 (a), 626.53

DESCRIPTION OF DATA: A report made by a health professional concerning a wound or injury arising from or caused by discharge of a firearm or inflicted by the perpetrator of a crime using a dangerous weapon other than a firearm.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, Fire Chief, and certain employees on an as needed basis as part of specific work assignments.

## **Safe at Home Program Participants**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.805 and 5B.07, subd. 1(b).

DESCRIPTION OF DATA: Identity and location data on a Safe at Home program participant not otherwise classified by law are private data. "Program participant" means an individual certified as a program participant under Minnesota Statutes Section 5B.03. "Identity and location data" means any data used to identify or physically locate a program participant, including but not limited to the program participant's name, residential address, work address, and school address, and that is collected received or maintained prior to the date a program participant's certification expires, or notice of withdrawal from the participant. Private or confidential identity

and location data on a program participant who submits a notice in writing that the participant is certified in the Safe at Home address confidentiality program may not be shared with any other government entity or disseminated to any person unless 1) the program participant has expressly consented in writing to sharing the dissemination of the data for the purpose in which the sharing will occur; 2) the data are subject to dissemination pursuant to a court order; or 3) the data are subject to sharing pursuant to Minnesota Statutes Section 5B.07, subdivision 2. Regardless of whether certification has been submitted, the City must accept the address designated by the Secretary of State as a program participant's address, and is subject to the requirements contained in Minnesota Statutes Section 5B.05.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Sex Offender HIV Tests**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. §§ 13.871, subd. 5(b), 611A.19, subd. 2

**DESCRIPTION OF DATA:** Results of HIV tests of sex offenders must be handled in accordance with Minnesota Statutes Section 611A.19.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Sexual Assault Crime Victims**

**CLASSIFICATION(S):** Private

**GOVERNING STATUTE:** Minn. Stat. §§ 13.871, subd. 3(e), 609.3471

**DESCRIPTION OF DATA:** Data that identifies a victim who is a minor, in records or reports relating to petitions, complaints or indictments made for criminal sexual conduct in the first, second, third or fourth degrees.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Undercover Buy Fund**

**CLASSIFICATION(S):** Confidential/Private/Public

**GOVERNING STATUTE:** Minn. Stat. §§ 13.6905, subd. 13, 299C.065, subd. 4

**DESCRIPTION OF DATA:** An application to the Commissioner of Public Safety for a grant pursuant to Minnesota Statutes Section 299C.065; information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators; information in a report at the conclusion of an investigation pertaining to the identity or location of an assisted witness.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Use of Motor Vehicle to Patronize Prostitutes**

**CLASSIFICATION(S):** Private/Public

**GOVERNING STATUTE:** Minn. Stat. §§ 13.871, subd. 3 (c) and 609.324, subd. 5

**DESCRIPTION OF DATA:** Notation in a driving record that the driver has used a motor vehicle to patronize prostitutes, but becomes public if the person has been convicted previously of patronizing a prostitute or another violation under Minn. Stat. § 609.324 or 609.322.

**EMPLOYEE ACCESS:** City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Videotapes of Child Abuse Victims**

CLASSIFICATION(S): Private / Confidential

GOVERNING STATUTE: Minn. Stat. §§ 13.821, 611A.90

DESCRIPTION OF DATA: Videotapes in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Vulnerable Adult Report Records**

CLASSIFICATION(S): Private / Confidential

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6 (l), 626.557, subd. 12(b).

DESCRIPTION OF DATA: Reports made pursuant to Minnesota Statutes Section 626.557 of possible incidents of maltreatment of vulnerable adults; identities of individuals making such reports.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

### **Welfare Data**

CLASSIFICATION(S ): Private

GOVERNING STATUTE: Minn. Stat. §13.46

DESCRIPTION OF DATA: Generally, welfare data (expect summary data) is Private Data. The welfare data section of the MGDPA, however, has numerous exceptions and special treatment for particular data types and applications. Contact the City attorney for requests involving welfare data.

EMPLOYEE ACCESS: City Administrator, City Clerk, Chief of Police, and certain employees on an as needed basis as part of specific work assignments.

**APPENDIX B**  
Sample Letter Regarding Disclosure of Private Information

[Date]

[Name]  
[Address]  
[City, State, Zip]

RE: Important Notice Regarding Disclosure of Private Information

Dear [Name]

The City of Champlin takes seriously its responsibility to protect information about the individuals it serves. I am writing to inform you of a concern regarding possible unauthorized access of your private personnel data. This notification is made in accordance with Minn. Stat. 13.055 Subd. 3, and was delayed due to an ongoing active criminal investigation.

On \_\_\_\_\_ the City of Champlin discovered that an employee of the city improperly accessed private personnel data under Minn. Stat. \_\_\_\_\_. The data included personnel data deemed \_\_\_\_\_ Minn. Stat. \_\_\_\_\_ (2014).

The disclosure of not public/private data under Minn. Stat. \_\_\_\_\_ was immediately investigated upon discovery.

Upon completion of our investigation, you have the right to receive a report on the facts and details of the investigation. If you would like a copy of the report, please contact us to request delivery of the report via mail or email.

The City of Champlin deeply regrets that this occurred and apologizes for any uneasiness and inconvenience this may cause you. If you have any questions, please contact [name, address, email, phone].

We will keep you informed of any additional developments that may be of importance to you.

Sincerely,

[Name, Title]\*

*\*Likely senders of the letter include the entity's responsible authority or data practices compliance official.*