



GUIDELINES AND PROCEDURES

FOR THE

MINNESOTA GOVERNMENT

DATA PRACTICES ACT

2014

City Council adopted: December 2, 2014

**CITY OF REDWOOD FALLS
DATA PRACTICES PROCEDURES
Table of Contents**

<i>SUBJECT</i>	<i>Page Number</i>
I. Introduction	1
II. Responsible Authority	1
III. Compliance Officer	1
IV. Access to Public Data	1
A. People Entitled to Access	2
B. Form of Request	2
C. Time Limits	2
D. Fees	2
E. Original Documents	2
F. Summary Data	2-3
G. New Data	3
V. Access to Data on Individuals	3
A. People Entitled to Access	3-4
B. Access to Subject's Own Data	4
C. Form of Request	4
D. Identification of Requesting Party	4
E. Time Limits	4
F. Fees	4
G. Juvenile Records	4-5
VI. Protecting your Data	5
VII. Denial of Access	5
VIII. Collection of Data on Individuals	5-6
IX. Challenge to Data Accuracy	6

X.	Data Protection	6
A.	Accuracy and Currency of Data	6
B.	Data Safeguards	6-7

EXHIBITS *Page Number*

1.	List of Designees.....	8-9
2.	Data Request/Cost Calculation Form	10
3.	Consent to Release Private Data	11
4.	Information Disclosure Request	12
5.	Access and Nondisclosure Agreement.....	13-14
6.	Notice to Persons Under Age 18.....	15
7.	Data Practices Advisory (Tennessee Warning)	16
	Tennessee Warning/Voluntary Interview (Employee Witness).....	17-18
	Garrity/Tennessee Advisory (Compelled Statement, Employee Witness).....	19-21
	Tennessee Warning/Voluntary Interview (Employee Witness).....	22-23
	Garrity/Tennessee Advisory (Compelled Statement)	24-25
8.	Contract Language, Outside Agents	26
9.	Consent to Release Utility Account Information	27

APPENDICES

	Private & Confidential Data Maintained by City (Appendix A).....	28-32
	Data Security Breach Protocol (Appendix B)	33-38
	City General Records Retention Schedule (Appendix C)	39
	Data Inventory (Appendix D).....	40

CITY OF REDWOOD FALLS

DATA PRACTICES PROCEDURES

I. **Introduction.**

The purpose of these procedures is to establish and maintain uniform procedures for the provision and/or prohibition of access to Public Data, Private or Nonpublic Data, and Confidential or Protected Nonpublic Data, as defined under the Minnesota Government Data Practices Act (Act).

II. **Responsible Authority.**

The person who is the Responsible Authority for compliance with the Act is the City Administrator. The Responsible Authority has designated certain other City employees to assist in complying with the Act. These designees are listed on attached Exhibit 1. The Responsible Authority shall have primary responsibility for the implementation and coordination of this Policy and the Act; specifically responsibility for the collection, use, and dissemination of government data.

III. **Compliance Officer.**

The data practices compliance official is the designated employee of the government entity to whom person may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The person who is the Compliance Officer for compliance with the Act is the Deputy Clerk.

IV. **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. It is the policy of the City of Redwood Falls (City), that it will provide and/or prohibit access to government data in accordance with the Act, such Act to be considered a part of this Policy as if reproduced in its entirety herein. In adopting this Policy, the City recognizes both its responsibility to its constituents and the interested public and to the subject of the data it collects. Categories of classification are as follows:

Data on Individuals (Natural Persons)	Data Not on Individuals	Degree of Accessibility
Public	Public	Accessible to anyone
Private	Nonpublic	Accessible to data subjects and to government officials whose duties reasonably require access
Confidential	Protected Nonpublic	Accessible only to government officials whose duties reasonable require access

The City General Records Retention Schedule (Appendix C - attached) lists data series maintained by the City and their classifications.

- A. **People Entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to give the reason for the request.
- B. **Form of Request.** Any request for public data should be made by filling out the Information Disclosure Request Form (exhibit 4) and signed by the requesting party. Requests for government data shall be made to the Responsible Authority or designee. This government entity cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request, we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.
- C. **Time Limits.**
Requests. Requests will be received and processed during normal business hours. All requests shall be retained by the City Attorney.

Response. If copies cannot be made at the time of the request, copies must be supplied as soon as reasonably possible. Every attempt will be made to comply with requests in an appropriate and prompt manner as specified by this Policy and by the Act.

- D. **Fees.** Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City's standard photocopying fees, attached as Exhibit 2, unless significant time is required. In that case, the fee will include the actual cost of searching for, retrieving, and copying or electronically transmitting the data. The fee may not include time necessary to separate public from non-public data.
- E. **Original Documents.** No original documents may be loaned or checked out.

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

- F. **Summary Data.** Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The Responsible Authority or designee will prepare summary data after the requestor fills out the Information Disclosure Request Form (Exhibit 4) and the requesting party pays for the cost of preparation. The Responsible Authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data.

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

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

- G. **New Data.** The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time. In addition, the Government Data Practices Act does not require us to answer questions that are not requests for data.

V. **Access to Data on Individuals.**

Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is contained in Appendix A and is attached. Any person requesting an opportunity to inspect public information shall be allowed to do so in a room under the direct supervision of the Responsible Authority or designee.

A. **People Entitled to Access.**

- ◆ Public information about an individual may be shown or given to anyone.
- ◆ Private information about an individual may be shown or given to:
 - The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
 - A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit 3.
 - People who are authorized access by the federal, state, or local law or court order.
 - People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the Tennessee warning described below.
 - People within the City Administration, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- ◆ Confidential information may not be given to the subject of the data, but may be shown or given to:
 - People who are authorized access by federal, state, or local law or court order.

- People within the City Administration, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- B. **Access to Subjects Own Data.** You have the right to look at (inspect), free of charge, public and private data that the City keeps about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows the City to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.
 - ◆ If you ask, the City will tell you whether the City keeps data about you and whether the data are public, private, or confidential.
- C. **Form of Request.** Any individual may request in writing if the City has stored data about that individual and whether the data is classified as public, private, or confidential.

All requests to see or copy public or private information should be in writing. An Information Disclosure Request, attached as Exhibit 4, must be completed to document who requests and who receives this information. The Responsible Authority or designee must complete the relevant portions of the form. The Responsible Authority or designee, within their sole discretion, may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response.
- D. **Identification of Requesting Party.** The Responsible Authority or designee must verify the identity of the requesting party as a person entitled to access. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.
- E. **Time Limits.**
 - ◆ **Requests.** Requests will be received and processed only during normal business hours. All requests shall be retained by the City Attorney.
 - ◆ **Response.** The response must be immediate, if possible, or within 10 working days if an immediate response is not possible.
- F. **Fees.** Fees may be charged in the same manner as for public information.
- G. **Juvenile Records.** The following applies to private (not confidential) data about people under the age of 18.
 - ◆ **Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. "Parent" means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the Responsible Authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.

- ◆ **Notice to Juvenile.** Before requesting private data from juveniles, City personnel must notify the juveniles that they may request that the information not be given to their parent(s). This notice should be in the form attached as Exhibit 6.
- ◆ **Denial of Parental Access.** The Responsible Authority or designee may deny parental access to private data when the juvenile requests this denial and the Responsible Authority or designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the Responsible Authority or designee will consider:
 - Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
 - Whether denying access may protect the juvenile from physical or emotional harm,
 - Whether this is reasonable grounds to support the juvenile's reasons, and
 - Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.
 - The Responsible Authority or designee may also deny parental access without a request from the juvenile under Minnesota Statutes Section 144.335.

VI. **Protecting your Data.**

The Government Data Practices Act requires the City to protect your data. The City established appropriate safeguards to ensure that your data is safe. In the unfortunate event that the City determines a security breach has occurred and an unauthorized person has gained access to your data, the City will notify you as required by law. Please see Appendix B for the City's Data Security Breach Protocol.

VII. **Denial of Access.**

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

VIII. **Collection of Data on Individuals.**

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

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

- ◆ the purpose and intended use of the requested data,

- ◆ whether the individual may refuse or is legally required to supply the requested data,
- ◆ any known consequences from supplying or refusing to supply the information, and
- ◆ the identity of other persons or entities authorized by state or federal law to receive the data.

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

A Tennessean warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 7-1 to 7-5 as applicable.

IX. Challenge to Data Accuracy.

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

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

X. Data Protection.

A. Accuracy and Currency of Data.

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

B. Data Safeguards.

- ◆ Private and confidential information will be stored in files or databases which are not readily accessible to individuals who do not have authorized access and which will be secured during hours when the Administration offices are closed.
- ◆ Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private or confidential information. These employees will be instructed to:

- not discuss, disclose, or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data,
 - not leave private or confidential data where non-authorized individuals might see it, and
 - shred private or confidential data before discarding.
- ◆ When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit 8 which is attached.



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 Redwood Falls ("City") is presumed public and is accessible to the public for both inspection and copying, unless classified as Private, Confidential, Nonpublic or Protected Nonpublic in accordance with federal law, state statute, or a temporary classification. (Minnesota Statute 13.01).

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

Responsible Authority	City Administrator Administration Office 333 South Washington Street PO Box 526 Redwood Falls, MN 56283 (507) 637-5755
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Positions appointed as Designees assisting in system administration are as follows:

Compliance Officer	Deputy Clerk Administration Office 333 South Washington Street PO Box 526 Redwood Falls, MN 56283 (507) 637-5755
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Police Records	Police Chief Police Department 303 East Third Street PO Box 43 Redwood Falls, MN 56283 (507) 637-4005
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Finance Records	Finance and Administrative Services Director Administration Office 333 South Washington Street PO Box 526 Redwood Falls, MN 56283 (507) 637-5755
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Official Records

City Administrator and/or Deputy Clerk
Administration Office
333 South Washington Street
PO Box 526
Redwood Falls, MN 56283
(507) 637-5755

Human Resources Records

Human Resources Coordinator
Administration Office
333 South Washington Street
PO Box 526
Redwood Falls, MN 56283
(507) 637-5755

Retention of Data Requests

City Attorney
Administration Office
333 South Washington Street
PO Box 526
Redwood Falls, MN 56283
(507) 637-5755

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



**Exhibit 2
DATA REQUEST & COST CALCULATION FORM**

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

Date of Request: _____

Description of Information Requested: (please be specific) _____

*Please use this section to calculate fees for duplication of standard materials and other data requests.
(Standard materials photocopied by staff - \$0.25/page or \$.50 for two-sided copy with copies in excess of 100 or
for subject of data at actual costs.)*

			Estimated Cost	Actual Cost
A.	LABOR	_____ x _____ # hours hourly rate	_____	_____
		_____ x _____ # hours hourly rate	_____	_____
B.	PHOTOCOPY	_____ x _____ rate # pages	_____	_____
C.	MAILING	_____	_____	_____
D.	PRINTING COSTS	_____	_____	_____
E.	OTHER COSTS	(may include computer time, programming, terminal access, microfilming and any other costs not listed above)		
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

TOTAL CHARGES _____

PREPARED BY: _____

AMOUNT TO BE PREPAID _____

DEPARTMENT: _____

(50% of Est. Total if exceeds \$100)

DATE: _____

AMOUNT DUE UPON COMPLETION _____



Exhibit 3
CONSENT TO RELEASE PRIVATE DATA

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

to the following person(s): _____

The person(s) receiving the private data may use it only for the following purpose(s): _____

This authorization is dated _____ and expires on _____.

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

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

Signature

<p>IDENTITY VERIFIED BY:</p> <p><input type="checkbox"/> Witness: _____</p> <p><input type="checkbox"/> Identification: Driver's License, State ID, Passport, other: _____</p> <p><input type="checkbox"/> Comparison with signature on file</p> <p><input type="checkbox"/> Other: _____</p> <p>Responsible Authority/Designee: _____</p>
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**Exhibit 4
INFORMATION DISCLOSURE REQUEST
Minnesota Government Data Practices Act**

A. Completed by Requester

REQUESTER NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP CODE:	SIGNATURE:
ARE YOU THE SUBJECT OF DATA REQUESTED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DO YOU HAVE VALID IDENTIFICATION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
DESCRIPTION OF THE INFORMATION REQUESTED:	
INSPECTION ONLY: <input type="checkbox"/>	COPIES ONLY: <input type="checkbox"/>
INSPECTION AND COPIES: <input type="checkbox"/>	

B. Completed by Department

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (explain below) <input type="checkbox"/> DENIED (explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ PAGES x _____ = _____ <input type="checkbox"/> SPECIAL RATE: _____ (ATTACH EXPLANATION FOR SPECIAL RATE)	IDENTITY VERIFIED FOR PRIVATE INFORMATION: <input type="checkbox"/> IDENTIFICATION: DRIVER'S LICENSE, STATE I.D., etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE: _____	DATE: _____



Exhibit 5
GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

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

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

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

The Authorized Party is the person who requested the summary data and agrees to bear the City's
cost associated with the preparation of the data which has been determined to be \$ _____

The Authorized Party has been requested by the City to prepare summary data and will be paid in
accordance with attached Exhibit 2.

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 never be disclosed or
communicated to anyone by any means.

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

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

The Authorized Party agrees to defend, indemnify; and hold the City, its officers and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission of the Authorized Party, its agents, employees or assignees under this Agreement and against all loss by reason of the 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. **SURVEY RESULTS.** (Check which applies):

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

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

AUTHORIZED PARTY: _____

By: _____ Date: _____

Title (if applicable): _____

CITY OF REDWOOD FALLS:

By: _____ Date: _____

Its: _____



Exhibit 6
NOTICE TO PERSONS UNDER AGE 18

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

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

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

NOTICE GIVEN TO: _____ DATE: _____

BY: _____ (name) _____ (title)

REQUEST TO WITHHOLD INFORMATION		
I request that the following information: _____		

Be withheld from: _____		
For these reasons: _____		

_____	_____	_____
(date)	(print name)	(signature)



Exhibit 7-1

**DATA PRACTICES ADVISORY
(Tennessee Warning)**

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

Our purpose and intended use of this information is: _____

You are are not legally required to provide this information.

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

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



Exhibit 7-2

TENNESSEN WARNING/VOLUNTARY INTERVIEW Employee Witness

The City of Redwood Falls (City) is investigating a complaint of employee misconduct.

You are being asked to provide information for use in the investigation. With respect to information that you provide about yourself, the Minnesota Government Data Practices Act requires:

1. The City will not take any adverse action against you for supplying the information that is requested, unless you provide information implicating that you have violated City rules, regulations, or policies. If you supply information that implicates such violations by you, it could result in a separate investigation and possible discipline against you.
2. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of the data, which includes you, and may include someone other than yourself.
 - b. Individuals within the City of Redwood Falls whose work assignments reasonably require access to the information you provide.
 - c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include but are not limited to the following:
 1. Law enforcement agencies. The information which you provide may be made available to a law enforcement agency or prosecuting authority for purpose of initiating or furthering a criminal investigation.
 2. Contracting parties. If a contract between the City of Redwood Falls and any person or entity requires access to the information you provide, such information shall be made available to such parties.
 3. City of Redwood Falls Attorney(s). The information you provide may be shared with attorneys for the City, if such information is related to a matter upon which the City has sought legal advice.
 4. Change in classification. The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have provided.
 5. Court order. The information you provide will be made available to any persons or entities authorized by court order to have access to such information.
 6. Court/hearing officer/witnesses. The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.
 7. Authorized agencies. Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.
 8. Open Meeting. If it is reasonably necessary to discuss the information at a meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or recording of the meeting.
 - d. Persons or entities who have the express written consent of the subject of the data, who may be someone other than yourself.

I informed _____ of the provisions of this advisory by reading them to him/her on _____, 20 ____.

Investigator - or "I have read and understand the above advisory."

Date: _____ Signature of Witness: _____



EXHIBIT 7-3

**GARRITY/TENNESSEN ADVISORY
Compelled Statement
Employee Witness**

The City of Redwood Falls is investigating a complaint of employee misconduct. I will be asking you questions specifically, directly, and narrowly relating to your performance of official duties. If you refuse to answer these questions, you may be subject to disciplinary action, including dismissal.

Because the statements which you make in response to my questions are being compelled by threat of disciplinary action, including dismissal, these statements, and any evidence resulting from these statements cannot be used against you as evidence of employee misconduct or as a basis for discipline.

In addition, the Minnesota Government Data Practices Act requires that you be advised of the following:

1. You are being required to provide information for use in investigating complaint of employee misconduct.
2. Any information that you provide will be used to complete the investigation, to determine whether discipline should be imposed, and to determine the appropriate measure of discipline, if any. The information about yourself will become a permanent part of your personnel file and may be relied upon in further performance evaluations or proceedings in which your employment or performance is at issue.
3. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of the data, which includes you, and may include someone other than yourself.
 - b. Individuals within the City whose work assignments reasonably require access to the information you provide.
 - c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include, but are not limited to, the following:

Law enforcement agencies. The information which you provide may be made available to a law enforcement agency or prosecuting authority for purposes of initiating or furthering a criminal investigation. The statements which you are being asked to make, under threat of discipline, as well as evidence obtained as a result of such statements, cannot be used against you in any criminal proceedings.

Contracting parties. If a contract between the City and any person or entity requires access to the information you provide, such information shall be made available to such parties.

City of Redwood Falls Attorney(s). The information you provide may be shared with attorneys for the City, if such information is related to a matter upon which the City has sought legal advice.

Documentation supporting disciplinary action. If disciplinary action, including oral or written reprimand, suspension with or without pay, or termination is imposed as a result of the allegations now made against you, the information which you provide may be made available to the public as documentation supporting final disciplinary action.

Change in classification. The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have provided.

Court order. The information you provide will be made available to any persons or entities authorized by court order to have access to such information.

Court/hearing officer/witnesses. The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.

Authorized agencies. Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.

Open Meeting. If it is reasonably necessary to discuss the information at a meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or tape recording of the meeting.

- d. Persons or entities who have the express written consent of the subject of the data, who is you, but may also include someone other than yourself.

I informed _____ of the provisions of this advisory on _____, 20_____.

Investigator

I have read and understand the above advisory. I understand that I have the right to have a union representative present during this questioning and;

I choose to do so _____ (initial)

I choose not to do so _____ (initial)

Date

Signature



Exhibit 7-4

TENNESSEN WARNING/VOLUNTARY INTERVIEW Employee Witness

The City of Redwood Falls (City) is investigating a complaint of employee misconduct.

You are being asked to provide information for use in the investigation. With respect to information that you provide about yourself, the Minnesota Government Data Practices Act requires:

1. The City will not take any adverse action against you for supplying the information that is requested, unless you provide information implicating that you have violated City rules, regulations, or policies. If you supply information that implicates such violations by you, it could result in a separate investigation and possible discipline against you.
2. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of the data, which includes you, and may include someone other than yourself.
 - b. Individuals within the City whose work assignments reasonably require access to the information you provide.
 - c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include, but are not limited to, the following:
 1. **Law enforcement agencies.** The information which you provide may be made available to a law enforcement agency or prosecuting authority for purpose of initiating or furthering a criminal investigation.
 2. **Contracting parties.** If a contract between the City and any person or entity requires access to the information you provide, such information shall be made available to such parties.
 3. **City of Redwood Falls Attorney(s).** The information you provide may be shared with attorneys for the City, if such information is related to a matter upon which the City has sought legal advice.
 4. **Change in classification.** The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have provided.
 5. **Court order.** The information you provide will be made available to any persons or entities authorized by court order to have access to such information.
 6. **Court/hearing officer/witnesses.** The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or

consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.

7. **Authorized agencies.** Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.
 8. **Open Meeting.** If it is reasonably necessary to discuss the information at a meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or recording of the meeting.
- d. Persons or entities who have the express written consent of the subject of the data, who may be someone other than yourself.

I informed _____ of the provisions of this advisory by reading them to (him) (her) on _____.

Investigator

OR

I have read and understand the above advisory.

Date

Signature of Witness



Exhibit 7-5

GARRITY/TENNESSEN ADVISORY Compelled Statement

The City of Redwood Falls (City) is investigating a complaint of employee misconduct. I will be asking you questions specifically, directly, and narrowly relating to your performance of official duties. If you refuse to answer these questions, you may be subject to disciplinary action, including dismissal.

Because the statements which you make in response to my questions are compelled by threat of disciplinary action, including dismissal, these statements, and any evidence resulting from these statements cannot be used against you in court in any criminal proceedings.

Currently the City policy requires that you be advised that any admissions which you make during the course of questioning may be used against you as evidence of employee misconduct or a basis for discipline.

In addition, the Minnesota Government Data Practices Act requires that you be advised of the following:

1. You are required to provide information for use in investigating a complaint of employee misconduct.
2. Any information that you provide will be used to complete the investigation, to determine whether discipline should be imposed, and to determine the appropriate measure of discipline, if any. The information about yourself will become a permanent part of your personnel file and may be relied upon in future performance evaluations or proceedings in which your employment or performance is at issue.
3. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of the data, which includes you, and may include someone other than yourself.
 - b. Individuals within the City whose work assignments reasonably require access to the information you provide.
 - c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include, but are not limited to, the following:

Law enforcement agencies. The information which you provide may be made available to a law enforcement agency or prosecuting authority for purposes of initiating or furthering a criminal investigation. The statements which you are being asked to make, under threat of discipline, as well as evidence obtained as a result of such statements, cannot be used against you in any such criminal proceedings.

Contracting parties. If a contract between the City and any person or entity requires access to the information you provide, such information shall be made available to such parties.

City of Redwood Falls Attorney(s). The information you provide may be shared with attorneys for the City, if such information is related to a matter upon which the City has sought legal advice.

Documentation supporting disciplinary action. If disciplinary action, including oral or written reprimand, suspension with or without pay, or termination is imposed against you, the information which you provide may be made available to the public as documentation supporting final disciplinary action.

Change in classification. The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have provided.

Court order. The information you provide will be made available to any persons or entities authorized by court order to have access to such information.

Court/hearing officer/witnesses. The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.

Authorized agencies. Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.

Open Meeting. If it is reasonably necessary to discuss the information at a meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or recording of the meeting.

- d. Persons or entities who have the express written consent of the data, who is you, but may also include someone other than yourself.

I informed _____ of the provisions of this advisory by reading them to
(him) (her) on _____.

Investigator

OR

I have read and understand the above advisory.

Date

Signature of Witness



Exhibit 8

SAMPLE CONTRACT PROVISION

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



Exhibit 9

UTILITY ACCOUNT INFORMATION RELEASE FORM

I, the undersigned, hereby consent to and authorize the Redwood Falls Public Utilities to disclose the most recent _____ months of **HISTORICAL** utility account information to _____ for the following purpose

_____ .

I understand that the information may include consumption, cost, and payment history. Other than for the purpose (s) consented to herein, or except as otherwise permitted by law, such information will continue to be held to as private data on individuals or non-public data, and will not be disclosed.

I am aware that, without this authorization, my utility customer data constitutes private data on individuals or nonpublic data, as those terms are defined by the Minnesota Government Data Practices Act, and is otherwise protected from disclosure by that act.

Utility Account Holder: _____

Utility Account Number: _____

Utility Service Address: _____

Signature: _____ Date: _____



APPENDIX A

PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY CITY

1. PERSONNEL DATA (PRIVATE).

Minn. Stat. § 13.43

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

Public Data – Applicants

The following data on current and former applicants is public:

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

Public Data – Employees

- ◆ Name
- ◆ Employee Identification Number
- ◆ Actual gross salary
- ◆ Salary range
- ◆ Contract fees
- ◆ Actual gross pension
- ◆ Value and nature of employer paid fringe benefits
- ◆ Basis for and amount of added remuneration, including expense reimbursement
- ◆ Job 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, whether or not resulting in discipline
- ◆ Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
- ◆ Terms of any agreement settling any dispute arising from the employment relationship, including a “buyout” agreement
- ◆ Work location
- ◆ Work telephone number
- ◆ Badge number
- ◆ Honors and awards received
- ◆ Payroll time sheets or other comparable data that are only used to account for employee’s work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee’s reasons for the use of sick or other medical leave or other non-public data
- ◆ City and county of residence

Undercover Law Enforcement Officer

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

Access by Labor Organizations

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

Employee Assistance Programs

All data associated with employee assistance programs is private.

Harassment

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

Peer Counseling Debriefing

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

Protection of Employee or Others

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

2. **PROPERTY COMPLAINT DATA (CONFIDENTIAL).** Minn. Stat. § 13.44

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

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

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

4. **SECURITY INFORMATION (PRIVATE).** Minn. Stat. § 13.37

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

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

Sealed absentee ballots before opening by an election judge.

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

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

7. **LABOR RELATIONS INFORMATION (PRIVATE).** Minn. Stat. § 13.37

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

8. **FIREARMS DATA (PRIVATE).** Minn. Stat. § 13.36

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

9. **EXAMINATION DATA.** Minn. Stat. § 13.34

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

10. **ELECTED OFFICIALS CORRESPONDENCE (PRIVATE).** Minn. Stat. § 13.33

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

11. **BENEFIT DATA (PRIVATE).** Minn. Stat. § 13.31

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

12. **CIVIL INVESTIGATIVE DATA (CONFIDENTIAL).** Minn. Stat. § 13.39

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

13. **APPRAISAL DATA (CONFIDENTIAL).** Minn. Stat. § 13.50
Appraisals made for the purpose of selling or acquiring land.

14. **ASSESSOR'S DATA (PRIVATE).** Minn. Stat. § 13.51
Data on sales sheets from private multiple listing service organizations.

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

The following data regarding income properties:

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

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

15. **TRANSPORTATION SERVICE DATA (PRIVATE).** Minn. Stat. § 13.521
Personal, medical, financial, familial, or locational information, except name, of applicants or users of transportation services for the disabled or elderly.

16. **RECREATION DATA (PRIVATE).** Minn. Stat. § 13.57
For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

17. **LAW ENFORCEMENT DATA.** Minn. Stat. §§ 13.80 and 13.82
Data collected under the domestic abuse act is confidential.

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

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

The identify of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data which relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private.

Videotapes of child abuse victims may not be released under any circumstances without a court order.

The following are private:

- ◆ The identity of undercover law enforcement officers.
- ◆ The identity of criminal sexual conduct victims.
- ◆ The identity of certain informants.
- ◆ The identity of victims, witnesses, and people making a 911 call whose personal safety or property would be threatened by disclosure.
- ◆ The identity of a person making a 911 call to receive help in a mental health emergency.

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

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

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

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

Deliberative processes or investigative techniques are confidential.

18. **CITY ATTORNEY RECORDS.**

Minn. Stat. § 13.30

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

19. **MUNICIPAL ELECTRIC UTILITY DATA (Private).**

Minn. Stat. § 13.685

20. **OTHER DATA.**

The above is not a comprehensive list and there may be other miscellaneous data that may be protected under various federal laws, state laws, court orders, or other legally binding document not listed. Some of these are items such as business data, social/recreational data, lodging tax data, etc. Each individual case may need to be reviewed for applicable statutes and rules. If an instance arises where the applicable laws, statutes, court order, or other legally binding document in place at the time differs from the policy the preceding will control the data classification and how the issue is handled.



APPENDIX B

DATA SECURITY BREACH PROTOCOL

I. Purpose.

This protocol is intended to assist the City in implementing the requirements of Minn. Stat. § 13.055 that is intended to provide timely and appropriate notice to individuals who are affected by a breach of the security of their private or confidential data. All employees must immediately report known or potential breaches of security to the Responsible Authority and their supervisor. The Responsible Authority in consultation with the affected department or office and the City Attorney or Information Technology personnel as appropriate shall determine whether notice of the breach is required and if so how the notice will be provided.

II. Definitions. (Minn. Stat. 13.055, Subd. 1)

- A. Potential Data Security Breach.** A situation or incident that provides a reasonable basis to believe not public data may have been compromised if accessed for a purpose not authorized by law or by a person or entity not authorized by law to have access to such data.
- B. Breach of the security of the data.** Breach of the security of the data means the unauthorized acquisition of data maintained by the City in any medium that compromises the security and classification of the data, but not including the good faith acquisition by an employee, contractor or agent of the City if not provided to an unauthorized person.
- C. Contact Information.** Contact information means either name and mailing address or name and e-mail address for each individual who is the subject of data maintained by the City.
- D. Unauthorized acquisition.** Unauthorized acquisition means a person has obtained government data without the informed consent of the individuals who are the subjects of the data or lacks statutory or other legal authority and with the intent to use the data for non-governmental purposes.
- E. Unauthorized person.** Unauthorized person means any person who accesses government data without permission or without a work assignment that reasonably requires the person to have access to the data.

III. Guidelines

- A. Reporting a Potential Breach.** Any employee who knows of or reasonably believes breach of the security of private or confidential data may have occurred must immediately report to his or her supervisor and the City's Responsible Authority.
 - ◆ The report should include the date and time of the report; when the breach occurred (if known); the type of data involved; the approximate number of affected individuals, if known, and other pertinent data. The attached form may be used for that purpose.

- ◆ Employees who in good faith report a potential or actual breach under these guidelines will not be subject to retaliation for making such a report.
- B. Breach Affected Division Response Process.** After a potential breach of security has been reported the Responsible Authority will work with the affected department or office and the City Attorney to take necessary steps to contain and control the integrity of the data handling systems impacted by the potential or reported breach and conduct a preliminary internal assessment of the scope of the potential breach.
- ◆ If the potential breach is on a City computing system that contains or has network access to private or confidential data, the Responsible Authority shall consult with IT personnel and consider control measures that may include but is not necessarily limited to removing the computing system from the network.
- C. Determining Breach.** The Responsible Authority shall consult with the affected staff supervisor to determine whether a breach of security of data has occurred.
- ◆ **Incidents.** Examples of the types of incidents that may result in a notice triggering breach include, but are not limited to:
 - Evidence of unauthorized access into a computer system containing private/confidential data;
 - Missing documents or papers or stolen or missing laptop, desktop, storage device or other types of information technology resource containing files with private/confidential data;
 - Documents containing private/confidential data sent in any form to a wrong recipient;
 - IT Systems containing private/confidential data that has been compromised; or
 - Employee misuse of authorized access to or disclose of private or confidential data.
- D. Acquisitions.** Minn. Stat. Sect. 13.055, subd. 2 requires government entities to notify individuals if their private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. In making that determination the following factors among others may be considered:
- ◆ Indications the data is in the physical possession and control of an unauthorized person such as a lost or stolen computer or other device or documents containing unprotected private or confidential data;
 - ◆ Indications the data has been downloaded or otherwise acquired;
 - ◆ Indications the data was used by an unauthorized person such as a fraudulent account opened or an instance of identity theft reported;
 - ◆ The encryption protection of the data, if any;
 - ◆ Duration of exposure;
 - ◆ The extent to which the compromise of electronic data indicates a directed attack such as a pattern showing the device itself was specifically targeted; or
 - ◆ Indications the attack was intended to seek and collect private or confidential data.
- E. Timing of Notification.** If a breach has been determined in most instances the affected department or office has primary responsibility to notify affected individuals and may be assisted by the Responsible Authority and/or the City Attorney.

- ◆ Notice is to occur without unreasonable delay. Notice may be delayed due to a) the legitimate needs of a law enforcement agency; or 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.
- D. Contacting Law Enforcement.** The Responsible Authority or designee(s) shall contact law enforcement agencies if the breach of security is believed to involve illegal activities. Data may be shared with law enforcement consistent with applicable data practice 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 such notice would impede an active criminal investigation notice may be delayed. Delayed notice should be sent out as soon as law enforcement advises it would no longer impede the criminal investigation.
- E. Whom to Notify.** The Responsible Authority in consultation with other appropriate city personnel, including but not limited to the affected department or office, and City Attorney, shall determine the scope of the notice. Notice of a breach must be provided to any individual whose private or confidential data has been 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 data is stored in the database of files involved in the breach. Measures should be taken to prevent notice lists from being over-inclusive. If questions arise regarding the scope of the notice required the City Attorney may be contacted for guidance.

IV. Notice

- A. Content.** The Responsible Authority or designee shall consult with the affected department or office and the City Attorney on the wording of a notice. IT personnel may also be consulted where appropriate. Notices shall generally be sent separate from other documents. The notice should use clear and plain language.
- ◆ The following should generally be included in the notice:
 - A general description of what happened and when to the extent known.
 - The nature of the individual's private or confidential data that was involved, but not listing the specific private/confidential data.
 - Information about what the City has done to protect the individual's private/confidential data from further disclosure.
 - Institution assistance such as website information or telephone number for further information about the incident.
 - Information such as Web sites about what individuals can do to protect themselves against identity theft including contact information for nationwide credit reporting agencies.
- B. Method of Notification.** The Responsible Authority in consultation with the affected department and the City Attorney shall determine the appropriate method of notice as follows:
- ◆ **Written notice** by first class mail to each affected individual; or

- ◆ **Electronic notice** to each affected individual if communication normally occurs in that medium and the procedure is otherwise consistent with the provisions regarding electronic records and signatures contained in 15 U.S.C. 7001.
- ◆ **Substitute notice** may be provided if the cost of providing the written notice required to each affected individual would exceed \$250,000 or the affected class of individuals to be notified exceeds 500,000 or the City does not have sufficient contact information to notify affected individuals. Substitute notice consists of all the following:
 - **E-mail notice** if the City has an e-mail address for the affected individuals;
 - **Conspicuous posting** of the notice on the City website for a minimum of 45 days; and
 - **Notification to major media** outlets that reach the general public.

V. Coordination with Credit Reporting Agencies

- A. Credit reporting agencies assist individuals in responding to a notice of a security breach. Such agencies should be notified in advance of sending notice of security breach incidents that may significantly increase calls to agencies for assistance.
- B. 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. 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
Phone: 1-888-397-3742
- ◆ TransUnion:
P.O. Box 6790
Fullerton, CA 92634
Phone: 1-800-680-7289

VI. Documentation

- A. The Responsible Authority or designee must complete a Breach of Security Incident Response Summary for each reported breach regardless of whether notice is given. The

form should be completed beginning at the time of the initial report or as soon thereafter as reasonably practical.

- B.** 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 form and any corresponding documentation to the breach shall be maintained by the Responsible Authority or the City Attorney at the Responsible Authority's discretion.



Potential Not Public Data Breach Report

Name of Reporting Person(s): _____

Department or Office: _____

Email: _____ Telephone Number: _____

Date of Report: _____ Time of Report: _____

Date and Time of Discovery of Potential Breach:

To Extent Known Date and Time of Potential Breach:

Type of Data Involved:

Method of Breach to Extent Known or Suspected:

Number of Affected Persons: _____

Additional Comments:

Signature of Reporting Person

This report must be promptly completed and forwarded to the Responsible Authority, City Administrator.
For any assistance or questions, call the City Administrator at (507) 637-5755.



APPENDIX C
RETENTION SCHEDULE



APPENDIX D

DATA INVENTORY

NONPUBLIC, PRIVATE, AND CONFIDENTIAL DATA MAINTAINED BY THE CITY OF REDWOOD FALLS

GENERAL

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 a benefit 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.

DESIGNEE: Keith Muetzel, City Administrator/ Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Amy Busse, City Attorney

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.

DESIGNEE: Amy Busse, City Attorney

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.

DESIGNEE: Keith Muetzel, City Administrator / Amy Kerkhoff, Deputy City Clerk

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.

DESIGNEE: Keith Muetzel, City Administrator / Amy Kerkhoff, Deputy City Clerk

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.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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 a 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 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.

DESIGNEE: Amy Kerkhoff, Deputy City Clerk

Pleadings

CLASSIFICATION(S): Public

GOVERNING STATUTE: Minn. Stat. § 13.03, subd. 12

DESCRIPTION OF DATA: Pleadings in a lawsuit by or against the City.

DESIGNEE: Amy Busse, City Attorney

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 Minnesota Statutes Section 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.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

State Auditor Data

CLASSIFICATION(S): Confidential/Protected nonpublic

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

DESCRIPTION OF DATA: Data relating to an audit conducted by the State Auditor's office and provided by the State Auditor for purpose of review and verification of the data, prior to publication of the final report of the audit.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Amy Kerkhoff, Deputy City Clerk

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.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Amy Kerkhoff, Deputy City Clerk

Checking Account Numbers

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. §13.37

DESCRIPTION OF DATA: Security information which means 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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Teri Smith, Redwood Falls Public Library Director

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Miscellaneous Payroll Reports

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4 and 5 (unless public under M.S. 13.43 subd. 2)

DESCRIPTION OF DATA: Annual, monthly, and bi-weekly payroll reports (deductions, insurance, union dues, new hire)

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Municipal Utility Customer Data

CLASSIFICATION(S): Public / Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.685

DESCRIPTION OF DATA: Data on customers of municipal electric utilities are private data on individuals or nonpublic data. Data on customers of other municipal utilities are public.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Payroll W-2's

CLASSIFICATION: Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4 and 5

DESCRIPTION OF DATA: Records of employee payroll deductions

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Amy Kerkhoff, Deputy City Clerk

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 identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

DESIGNEE: Jackie Edwards, Director of Parks and Recreation

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Keith Muetzel, City Administrator

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 or Housing and Redevelopment Authority for the purposes of planning, development, and redevelopment.

DESIGNEE: Keith Muetzel, City Administrator

Real Property Acquisition Data

CLASSIFICATION(S): Private/Confidential (depending on status)

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

DESCRIPTION OF DATA: Appraisals used in land acquisition process

DESIGNEE: Keith Muetzel, City Administrator

PERSONNEL

Annual Basic Life Insurance Evaluation Files

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION OF DATA: Increases in basic life coverage – sent to life insurance carrier which includes social security numbers.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Applicants for Appointment and Members of Advisory Boards

CLASSIFICATION(S): Public

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

DESCRIPTION OF DATA: Data on applicants for appointment to the City Council or a board or commission 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, 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 appointee can be reached, or both at the request of the appointee. Any electronic mail addresses or telephone number provided by the City for use by an appointee is public. *NOTE: This section also applies to applicants for appointment to the city council (e.g., in case of vacancy), in addition to Minn. Stat. § 13.43.*

DESIGNEE: Amy Kerkhoff, Deputy City Clerk

Benefit Enrollment Forms

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION OF DATA: Enrollment in insurance benefits and flex spending accounts, pension activity, deduction authorizations, premium deductions, birth date, address, and phone numbers of City staff.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Emergency Contact Staff Directory

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION: Home address and phone number of City Staff.

DESIGNEE: Amy Kerkhoff, Deputy City Clerk

Employee Appraisals

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION: Employee evaluations, goals

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Examination Data

CLASSIFICATION(S): Private / Confidential

GOVERNING STATUTE: Minn. Stat. § 13.34

DESCRIPTION OF DATA: Completed versions of personnel and licensing examinations

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Family and Medical Leave of Absence Files

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION: Information of a medical nature, including health care provider verification of condition.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Grievance Files

CLASSIFICATION(S): Private (confidential depending on status)

GOVERNING STATUTE: Minn. Stat. §13.39 and 13.43 subd. 4

DESCRIPTION: All information collected on employees who have filed grievances per their union contracts against the City.

DESIGNEE: Keith Muetzel, City Administrator

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.

DESIGNEE: Keith Muetzel, City Administrator

Internal Investigation Files

CLASSIFICATION(S): Private/Confidential

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4, 8, 11, 12, 15 and §13.39

DESCRIPTION OF DATA: Information collected regarding policy violations.

DESIGNEE: Keith Muetzel, City Administrator

Labor Relations Information

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37 and §13D.03

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.

DESIGNEE: Keith Muetzel, City Administrator

Long Term Disability Claim Files

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION OF DATA: Files on claims for Long Term Disability Benefits

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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 people 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.).

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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; except that 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 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 law enforcement agency determines that revealing the data would threaten the officer's safety or jeopardize an active investigation.

Access by Labor Organizations

Personnel data may be given to labor organizations 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.

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.

Grievance Arbitration Decisions

An arbitration decision that sustains a grievance and reverses all aspects of any disciplinary action is private.

Requests for Reasonable Accommodation

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION OF DATA: Information regarding disability status and accommodation requested supported by health care provider, verification of disability, and need of accommodation of City employee.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Sick and Vacation Leaves

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4

DESCRIPTION OF DATA: Employee leaves, reason for sick leave use.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Unemployment Claim Files

CLASSIFICATION(S): Private/Confidential (depending on status)

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4 and §13.355 subd. 1

DESCRIPTION OF DATA: Contains copies of employer responses, determination from D.E.S., social security number of employee
DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

Workers Compensation Cost Analysis Report File

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.43 subd. 4 and §13.355 subd. 1

DESCRIPTION OF DATA: Reports from insurance carrier, monthly claims filed, social security number, nature of injury, injury date, gender, age, records of payment – current month, ytd., projected future costs.

DESIGNEE: Melissa Meyer, Director of Finance and Administrative Services

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.

DESIGNEE: Mark Dressen, Chief of Police/ Amy Busse, City Attorney

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Tim Hanna, Fire Marshall

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 becomes 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.

DESIGNEE: Mark Dressen, Chief of Police

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 municipal 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.

DESIGNEE: Mark Dressen, Chief of Police

Crime Alert Requests

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 12 and 611A.0393

DESCRIPTION OF DATA: Contact information provided by a citizen requesting a disability accessible crime alert.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police/ Amy Busse, City Attorney

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police/ Amy Busse, City Attorney

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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 police departments pursuant to the Domestic Abuse Act.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

Investigative Detention Data

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.86

DESCRIPTION OF DATA: Data created, collected, used or maintained by a municipal 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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

An audio recording of a call placed to a 911 system for the purpose of requesting service from a 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.

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.

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

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police/ Sheila Stage, Human Resources Coordinator

Peace Officer Records on Juveniles

CLASSIFICATION(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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

Safe at Home Data

CLASSIFICATION(S): Private/nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.805 and 5B.07

DESCRIPTION OF DATA: Data regarding the process for data sharing by the Bureau of Criminal Apprehension, the secretary of state and law enforcement agencies related to the Safe at Home program is nonpublic data. Data related to applicants, eligible persons and participants in the Safe at Home program are private data.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police

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.

DESIGNEE: Mark Dressen, Chief of Police