



**Guidelines and Procedures
For the Minnesota Government
Data Practices Act**

February, 2000

CITY OF WOODBURY
DATA PRACTICES PROCEDURES

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CITY OF WOODBURY

DATA PRACTICES PROCEDURES

I. Introduction.

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

II. Responsible Authority.

The person who is the responsible authority for compliance with the 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.

III. Access to Public Data.

All information maintained by the City is public unless there is a specific statutory designation which gives it a different classification.

A. People Entitled to Access. Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request.

B. Form of Request. The request for public data may be oral or written.

C. Time Limits.

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

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

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

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

IV. Access to Data on Individuals.

Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is contained in Appendix A. The forms used to collect private and confidential information are contained in Appendix B.

A. People Entitled to Access.

➤ **Public** information about an individual may be shown or given to anyone.

➤ **Private** information about an individual may be shown or given to:

- The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.

- A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit 3, or a form reasonably similar.

- People who are authorized access by the federal, state, or local law or court order.

- People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the *Tennessee* warning described below.

- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

➤ **Confidential** information may not be given to the subject of the data, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.

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

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

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

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

D. Time Limits.

- **Requests.** Requests will be received and processed only during normal business hours.
- **Response.** The response must be immediate, if possible, or within 5 working days if an immediate response is not possible. The City may have an additional 5 working days to respond if it notifies the requesting person that it cannot comply within 5 days.

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

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

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

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

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

➤ **Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. "Parent" means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the responsible authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.

➤ **Notice to Juvenile.** Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s). This notice should be in the form attached as Exhibit 6.

➤ **Denial of Parental Access.** The responsible authority or designee may deny parental access to private data when the juvenile requests this denial and the responsible authority or designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:

• Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,

• Whether denying access may protect the juvenile from physical or emotional harm,

• Whether there is reasonable grounds to support the juvenile's reasons, and

• Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data

may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

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

V. Denial of Access.

If the responsible authority or designee determines that the requested data is not accessible to the requesting party, the responsible authority or designee must inform the requesting party orally at the time of the request or in writing as soon 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.

VI. Collection of Data on Individuals.

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

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

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

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

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

VII. Challenge to Data Accuracy.

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

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 order by the Commissioner.

VIII. Data Protection.

A. Accuracy and Currency of Data.

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

B. Data Safeguards.

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

not discuss, disclose, or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data,

not leave private or confidential data where non-authorized individuals might see it, and

shred private or confidential data before discarding.

- When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit 8.

CITY OF WOODBURY

DATA PRACTICES

EXHIBIT 1 – List of Designees

The City Administrator is the Responsible Authority for Data Practices and appoints the City Clerk as the Data Practices Compliance Official. The following departmental positions are the Data Practices designees:

<u>Department</u>	<u>Designee</u>
Administration	City Clerk
Building Inspections	Administrative Assistant
Blenberg Spots Centers	Ice Arena Manager
Engineering	Administrative Assistant
Finance	Finance Director
IT	IT Director
Police/Fire	Support Services Supervisor
Planning	Senior Planner
Park and Recreation	Park and Recreation Director
Public Works	Administrative Assistant

Exhibit 2

CITY OF WOODBURY

Office of the Finance Director

Date: August 11, 1994

To: Barry Johnson, City Administrator
Sus VanderHeyden, Assistant City Administrator
David Jessup, City Engineer
Dwight Fitch, Community Development Director
Greg Orth, Chief of Police
Ken Southorn, Fire Chief

From: Tom Wright, Finance Director 

Subject: Charge for Copies

There was a suggestion made through the Employee Suggestion Program that we not charge for less than four (4) copies. This would make the minimum charge we would collect for copies \$1.00.

After reviewing this I have determined that it would make sense for us not to charge residents for less than four copies. For non-residents the charge will continue to be \$.25 per copy, regardless of how many, or few, we make.

This change is effective immediately. Please see that it is passed along to the appropriate personnel in your department. Also, this change does not apply to copies made on the large plan copier, where a different pricing structure exists.

If you have any questions regarding this please contact me.

Exhibit 3

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Woodbury ("City") to
(print name)

release the following private data about me:

to the following person or people:

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

This authorization is dated _____ and expires on _____.
The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable 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.

X _____
Signature

IDENTITY VERIFIED BY: (select one)

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

Responsible Authority/Designee: _____

Exhibit 4

**CITY OF WOODBURY
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:
DESCRIPTION OF THE INFORMATION REQUESTED:	

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)	IDENTITY VERIFIED FOR PRIVATE INFORMATION: <input type="checkbox"/> IDENTIFICATION: DRIVER'S LICENSE, STATE ID, Etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE:	DATE:

ACCESS AND NONDISCLOSURE AGREEMENT

Exhibit 5

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

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

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

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

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

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

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.

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 classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

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

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

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

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

If the Authorized Party is the requestor, 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 WOODBURY

By: _____

Date: _____

Its: _____

Exhibit 6

NOTICE TO PERSONS UNDER AGE OF 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 services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____ DATE: _____

BY: _____
(name) (title)

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

Be withheld from: _____	
For these reasons: _____	

Date: _____	Print Name: _____
Signature: _____	

Exhibit 7

DATA PRACTICES ADVISORY

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

Our purpose and intended use of this information is: _____

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

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

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

Exhibit 8

SAMPLE CONTRACT PROVISION

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

**Exhibit 9
Data Maintained by the City of Woodbury**

The following data are maintained by the City of Woodbury

Name of Record, File, Process Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Applicant Records	Completed assessments and results, related documentation, and application forms	Public Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Attorney Data	Data related to attorney work product or data protected by attorney-client privilege	Private	MS 13.393	Certain employees on an as needed basis as part of specific work assignments
Benefits Enrollment Forms	Employees' medical, dental, deferred compensation, etc. election forms	Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Building Permit Applications	Data received from individuals during the process of applying for building permits	Public Non-Public	MS 13.37	Certain employees on an as needed basis as part of specific work assignments
City Council Member data	Data pertaining to City Council members	Public Private Confidential	MS 13.601	Certain employees on an as needed basis as part of specific work assignments
Claims	Claims filed by or against the city	Public Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Complaints by citizens	The identity of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property.	Confidential; the data becomes public when submitted to a court-appointed commissioner or the data is presented in court for a condemnation proceeding	MS 13.44	Certain employees on an as needed basis as part of specific work assignments
Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd 17	Certain employees on an as needed basis as part of specific work assignments
Correspondence	Letters and electronic correspondence	Public Private Confidential	Various	Certain employees on an as needed basis as part of specific work assignments
Data on individuals	Data that would identify an individual	Private	MS 181.932, subd 2	Certain employees on an as needed basis

Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
	reporting a violation, suspected violation, or planned violation of any federal or state law or common law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;			as part of specific work assignments
Data on individuals	Data that would identify an employee who is requested by a public body or office to participate in an investigation, hearing, inquiry	Private	MS 181.932, subd 2	Certain employees on an as needed basis as part of specific work assignments
Data on individuals with disabilities	Data that identify an individual with a disability or a family member of an individual with a disability	Private	MS 13.64, subd 2	Certain employees on an as needed basis as part of specific work assignments
Deferment Application	Information collected on individuals for the purpose of processing a deferment application	Private Non-Public	MS 13.51, subd 2 MS 13.52	Certain employees on an as needed basis as part of specific work assignments
Drug and Alcohol Testing Results	Employees' test results	Public Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Electric Utility Customer Data	Data collected individual public utility customers or prospective customers, including copies of tax forms, needed to administer federal or state programs that provide relief from-public utility bills, or cold weather disconnection.	Private	MS 13.679	Certain employees on an as needed basis as part of specific work assignments
Employee expense reports	Expense reimbursement requests	Public Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Employment Eligibility Verification/I-9 Form Examination File	I-9 Forms submitted by employees	Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Family Medical Leave Documents	Completed exams administered to applicants & promotional exams administered to employees	Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Garnishments	Data on employees regarding FMLA	Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Government services transactions data	Data collected on employees relating to child support and/or spousal maintenance	Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Grievance Files	Credit card, charge card, debit card and other electronic transactions	Private	MS 16A.626	Certain employees on an as needed basis as part of specific work assignments
	Formal written employee grievance and/or complaint filed under a labor agreement or personnel rules, and received by the City.	Public Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments

Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Internal audit data	Data created, collected, and maintained for the purpose of performing audits and/or relating to an audit or investigation; working papers gathered or generated until the final report is published or audit becomes inactive.	Public Private Confidential	MS 13.392 MS 13.43 MS 13.37	Finance Director City Administrator Auditor
Labor Relations information	Management positions that have not been presented during the collective bargaining process or interest arbitration, including information collected or created to prepare the management position	Private Confidential	MS 13.37, subd 1(a)	Certain employees on an as needed basis as part of specific work assignments
Medical Data	Medical data of employees disclosed for the purpose of administering claims	Private	MS 13.384 subd. 3	Certain employees on an as needed basis as part of specific work assignments
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by a government entity for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.	Private	MS 13.356	Certain employees on an as needed basis as part of specific work assignments
Personnel Data	Data about employees, applicants, volunteers and independent contractors; labor relations information	Public Private Confidential	MS 13.43 179A.03, subd 4	Certain employees on an as needed basis as part of specific work assignments
Portable Recording Systems	A device worn by a peace officer that is capable of both video and audio recording of the officer's activities and interactions with others or collecting digital multimedia evidence as a part of an investigation	Private Non Public	MS 13.825	Certain employees on an as needed basis as part of specific work assignments
Real property appraisal data (a)	Estimated or appraised values of individual parcels of real property that are made by personnel of the state or a political subdivision or by independent appraisers for the purpose of selling or acquiring land through purchase or condemnation	Confidential Public	MS 13.44, subd 3(a), 3(c)	Certain employees on an as needed basis as part of specific work assignments
Real property appraisal data (b)	Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the state or a political subdivision	Private Public	MS 13.44, subd 3(b), 3(c)	Certain employees on an as needed basis as part of specific work assignments

Name of Record, File, Process, Form or Data Type	Description (Understandable to General Public)	Data Classification	Citation for Classification	Employee Work Access
Rehabilitation Data	Data collected that pertain to individuals applying for or receiving rehabilitation services	Private	MS 13.791	Certain employees on an as needed basis as part of specific work assignments
Reprimands/Disciplinary Action	Data collected on employees regarding reprimands and/or disciplinary action	Public Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Response to Data Requests	Data collected by Data Practices Compliance Official in responding to requests for data	Public Private	Various	Responsible Authority Data Practices Compliance Official/Designee(s)
Responses to requests for proposal	Responses submitted are private until the responses are opened. All other data on individuals are private until completion of the evaluation process. If all responses are rejected prior to completion of the evaluation process, all data, other than that made public at the opening, are private until resolicitation or abandonment of the project.	Private Public	MS 13.599	Certain employees on an as needed basis as part of specific work assignments
Responses to Requests for Proposals (RFPs) and requests for bids	Responses to Requests for Proposals (RFPs) and requests for bids	Public Private	MS 13.591	Certain employees on an as needed basis as part of specific work assignments
Responses to Requests for Proposals (RFPs) and requests for bids	Trade secret data in response to Requests for Proposals (RFPs) and requests for bids	Private	MS 13.37	Certain employees on an as needed basis as part of specific work assignments
Social Security Numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Certain employees on an as needed basis as part of specific work assignments
Travel expense/per diem reports for council, commission, and board members	Travel expense reimbursement requests	Public Private	MS 13.601 MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Unemployment compensation billings	Records of billings from DEED for employee unemployment compensation	Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments
Workers compensation billings and information	Records of billings for employees who receive workers compensation benefits	Private	MS 13.43	Certain employees on an as needed basis as part of specific work assignments

APPENDIX A

PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY CITY

1. Personnel Data (Private).

Minn. Stat. 513.43.

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

Public Data - Applicants

The following data on current and former applicants is public:

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

Public Data: Employees

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

- ◆ Name
- ◆ Actual gross salary
- ◆ Salary range
- ◆ Contract fees
- ◆ Actual gross pension
- ◆ Value and nature of employer paid fringe benefits
- ◆ Basis for and amount of added remuneration, including expense reimbursement
- ◆ Job title
- ◆ Job description
- ◆ Education and training background
- ◆ Previous work experience
- ◆ Date of first and last employment

- ◆ The existence and status (but not nature) of any complaints or charges against the employee, whether or not resulting in discipline
- ◆ Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
- ◆ Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- ◆ Work location
- ◆ Work telephone number
- ◆ Badge number
- ◆ Honors and awards received
- ◆ Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data
- ◆ City and county of residence

Undercover Law Enforcement Officer

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

Access by Labor Organizations

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

Employee Assistance Programs

All data associated with employee assistance programs is private.

Harassment

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

Peer Counseling Debriefing

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

Protection of Employee or Others

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

2. Property Complaint Data (Confidential). Minn. Stat. 513.44.

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. 513.59.

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. 513.37.

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. Trade Secret Information (Private). Minn. Stat. 513.37.

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

6. Absentee Ballots (Private). Minn. Stat. §13.37.

Scaled absentee ballots before opening by an election judge.

7. Sealed Bids (Private). Minn. Stat. §13.37.

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

8. Labor Relations Information (Private). Minn. Stat. §13.37.

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

9. Firearms Data (Private). Minn. Stat. §13.36.

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

10. Examination Data (Private/Conf.). 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.

11. Elected Officials Correspondence (Private). Minn. Stat. §13.33.

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

12. Housing Data (Private). Minn. Stat. §13.31.

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

13. Housing Agency Data (Private). Minn. Stat. §13.54.

Income information on individuals used to determine eligibility of property for 4c tax classification is private.

14. CIVIL INVESTIGATIVE DATA (PRIVATE/CONF.). 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.

15. Appraisal Data (Confidential). Minn. Stat. §13.50.

Appraisals made for the purpose of selling or acquiring land.

16. 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.

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

18. Deferred Assessment Data (Private). Minn. Stat. §13.52.

Information that indicates the amount or location of cash or other valuables kept in homes of applicants for deferred assessments.

19. 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.

20. 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.

21. Law Enforcement Data (Private/Conf.). Minn. Stat. 5513.80 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, unless the written transcript reveals the identity of an individual otherwise protected.

Certain arrest data, request for service data, and response or incident data is public under Minn. Stat. 513.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active. Photographs which are part of inactive investigation files are private if they are clearly offensive to common sensibilities. Booking photographs are public.

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

The following are private:

The identity of undercover law enforcement officers.

The identity of criminal sexual conduct victims.

The identity of certain informants.

The identity of victims, witnesses, people making a 911 call whose personal safety or property would be threatened by disclosure.

The identity of a person making a 911 call to receive help in a mental health emergency.

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.

22. City Attorney Records (Confidential). 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.


23. Library & Historical Data (Private). Minn. Stat. §13.40.

The names of library borrowers are public, but other information on application forms is private. Data that would connect the person's name with materials or information requested is private. A library may release reserved materials to family member or other person residing with borrower.

24. Hospital Records (Public/Private). Minn. Stat. §13.42.

Patient name, admission date, and general condition ("directory information") is public unless the patient requests that it be private. For emergency patient who cannot decide about state of information, it cannot be released until reasonable effort has been made to notify next of kin. Hospital may release directory information to law enforcement agency conducting lawful investigation. Medical data is private, except it may be released to surviving spouse, parents, children, and siblings, or to communicate patient's condition to a family member or other appropriate person in accordance with acceptable medical practice while the patient is still living, unless patient directs otherwise.

Appendix B:
Fire Services Division
Data Practices General Order

GENERAL ORDER WOODBURY DEPARTMENT OF PUBLIC SAFETY FIRE SERVICES DIVISION BY ORDER OF DIRECTOR OF PUBLIC SAFETY	Date issued 04/01/87	Number 87-04 REV. 1
	Date Effective 04/01/87 Amend. 04/01/88	Pages 1 of 5
TO: Fire Service Personnel	Retention Permanent	
SUBJECT: Data Practices	Approved 	

PURPOSE

The purpose of this General Order is to set policy for the release of government data collected and maintained by the Woodbury Department of Public Safety-Fire Services Division.

POLICY

It is the policy of the Woodbury Department of Public Safety Fire Services Division to comply with the Minnesota Government Data Practices Act and any other law or regulation dealing with the dissemination of data.

PROCEDURE

The following procedures will be used in releasing government data.

1. A Request for Government Data shall be filled out by the person requesting the data.
2. All requests for data will be handled by the Fire Services administrative office during normal working hours.
3. The data being requested, along with the request will be forwarded to the Fire Chief to insure that the release is in compliance with this policy.
4. More complicated cases where the policy is unclear concerning the release of the data will be referred to the City Attorney's Office for an opinion.
5. Our intent is to respond to all requests within five (5) working days, but in cases where more time is needed; the requestor will be notified of the need for additional time.
6. There is no requirement to release any data immediately.
7. A reasonable charge may be made for furnishing copies of data.

DATA PRACTICES PLAN

Test Data

All test data is administered by the City of Woodbury Administration Department. Requests for test data shall be referred to a personnel specialist.

Personnel Data

A. PUBLIC AND PRIVATE

1. Applicants

The following personnel data on current applicants is public:

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

The names of applicants are private data except when they have been certified by the Personnel Department as eligible for appointment to a position or when they are identified by the Personnel Department as a finalist for a position with the Fire Services Division.

2. Employees

The following data on present or former employees in the Fire Services Division is public:

- Name;
- Actual gross salary;
- Salary range;
- Contract fees;
- Actual gross pension;
- The value and nature of employee's fringe benefits;
- The basis for the amount of any added remuneration, including expense reimbursement, in addition to salary;
- Job title;
- Job description;
- Education and training background;
- Previous work experience;
- First and last employment date;
- The status of any complaints or charges against the employee, whether or not the complaint or charge resulted in disciplinary action and the final disposition of any disciplinary action received;
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll expenses, except to the extent that release of time sheet 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;

- Work location for the City of Woodbury;
- Work telephone number for the City of Woodbury; and
- Honors and awards received.

3. All other personnel information is private data on individuals but may be released pursuant to a court order. (M.S. 13.43, Subd. 4)

Access

- A. Employees have access to all private and public information in personnel records that are related to their individual employment.
- B. The Director of Public Safety, Deputy Director of Public Safety and the Fire Chief may access personnel records for employees within the Fire Services Division. Fire officers, including Division Commanders, Station Commanders, Captains and Lieutenants may access personnel records only for those employees under their supervision.
- C. The public has access to personnel records that are public. To access the information, they must provide the following to the Personnel Department:
1. A signed release form from the employee on whom the information is requested; or
 2. A court order; or
 3. An entity with legal authority for access to the information.

Release of Employee Information

Release of personnel information, other than the employee seeking information relative to their own file, will be forwarded to the Personnel Department. Copies of personnel records are available through the Personnel Department.

Tennessee Warnings

- A. All applicants for a position with the Fire Services Division must be provided with a Tennessee Warning. It will be included on the City of Woodbury application form.
- B. Individuals selected for employment with the Fire Services Division will be provided a Tennessee Warning during their initial employment processing.

Personnel Records

- A. Personnel records for paid-on-call firefighters will be maintained by the Personnel Department.
- B. Personnel records will be maintained according to the retention schedule adopted by the City of Woodbury.

Application Forms

- A. The Fire Chief and Fire Officers may review the application form of all applicants for a position in their respective district to assist in identifying the criteria utilized in the selection process.
- B. Upon conclusion of interviews, Fire Officers responsible for interviewing shall return to the Personnel Department all application forms, resumes, interview notes and any other documentation utilized.

References

- A. Credit. All requests for credit references on a Woodbury Fire Services Division employee shall be forwarded to the Personnel Department.
- B. Employment. All requests for employment references will be referred to the Personnel Department.

Sealed Bids

Sealed bids, including the number of bids received prior to the opening of the bids is classified as protected non-public data. (M.S. 13.02, Subd. 13)

Preplans

Diagrams of preplanned structures, lock box location, site plans, the name and telephone numbers of emergency contact persons, as well as any other pertinent information that may jeopardize the security of any structure are deemed general non-public data. (M.S. 13.37, Subd. 1(a), M.S. 13.02, Subd. 13).

All other information contained on the preplan form is considered public.

Inspection Records

- A. The identities of individuals who register complaints with the Fire Services Division regarding the use of real property are classified as confidential data (M.S. 13.02, Subd. 3)
- B. Data collected by the Fire Services Division as part of an active investigation for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected non-public data (M.S. 13.02, Subd. 13)
- C. Inactive civil investigative data are public, unless the release of said data would jeopardize another pending civil legal action, and except for those portions of a civil investigative file that are classified as not public data. (M.S. 13.39, Subd. 3)
- D. Any building diagrams, site plans, lock box locations or other pertinent information that may jeopardize the security of any structure is deemed protected non-public data. (M.S. 13.02, Subd. 13)
- E. The names and telephone numbers of emergency contract personnel are protected non-public data. (M.S. 13.02, Subd. 13)

Fire Investigations

Active fire investigations are confidential. Inactive investigation files are public.

Fire Calls

Information contained on the 902 form is considered public. All information contained in the Fire Services Division fire call data base which is being retained in anticipation of a pending civil legal action are classified as protected non-public data. (M.S. 13.02, Subd. 13, in the case of data not on individuals; confidential pursuant to M.S. 13.02, Subd. 3, in the case of data on individuals.)

Juvenile Information

Data which includes information about a juvenile's involvement in a crime or wrongdoing is confidential.

Medical Data

Medical data on patients is private.

Financial Data

All information relating to the Fire Services budget is public. All information contained on the Fire Services purchase orders or field orders is public.

Burn Permit Information

All information contained on the Fire Services Division recreational or open burn permits is public.

Computer Data

Definition: Any reference made to a "computer" shall refer to any hardware or software owned by the City of Woodbury and the Public Safety Department.

Any information contained on any Fire Services computer regarding personnel, preplans, fire inspections, fire investigations, fire calls, financial data, burn permits or any section of this order shall be handled as outlined in the appropriate section of this order.

DISSEMINATION OF INFORMATION

Information regarding investigations and official business shall be disseminated only to those for whom it is intended, and only in accordance with established department procedures. Members shall not remove or copy official records or reports except as necessary to further investigations. Members shall not divulge the identity of persons giving confidential information unless authorized to do so by an officer. Members shall not alter, destroy, or remove any department record, report, or document for any reason without prior authorization from an officer.

Members requesting information from department records that is not directly correlated to his/her assignment shall make the request using the same methods and at the same cost as though the request was made by a private citizen.

**Appendix C:
Police Services Division
Data Practices General Order**

	Date Issued 2/4/00	Number 00-1
	Date Effective 2/4/00	Pages 6
TO All Personnel		Retention Permanent
SUBJECT Data Practices		Approval GTO

Purpose

These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act and specifically Minn. Stat. 13.82 (comprehensive law enforcement data).

Responsible Authority

The "Designee" for data practices in the Police Department is the Deputy Director of Public Safety/Deputy Chief. The Support Services Manager will work with the Deputy Chief on request for data to ensure compliance with this policy and the Minnesota Data Practices Act. The City Administrator is the "Responsible Authority".

Access to Data

All information maintained by the Police Department is public unless there is a specific statutory designation that gives it a different classification.

Requests for data must be:

1. In person
2. In writing
3. During normal office hours.

Identification of Requesting Person

The identity of the individual requesting data will be verified as a person entitled to access to the data. Identification may be made through a state or federally issued ID card or by other reasonable means.

Employee Responsibility with Data

Information regarding investigations and official business shall be disseminated only to those for whom it is intended, and only in accordance with established department procedures.

Employees shall not remove or copy official records or reports except as necessary for a legitimate employment purpose. Employees shall not divulge the identity of persons giving confidential information unless authorized by a supervisor. Employees shall not alter, destroy, or remove any department record, report, or document for any reason without proper release from a supervisor or support services staff.

Types of Data

1. Confidential
2. Private
3. Public

Confidential data may not be disseminated to anyone, including the subject of the data and is not public.

Private data allows the subject of the data to have access to the data on that subject for inspection and copies.

Public data is open to the public for inspection and copies.

Response to request

If the data cannot be retrieved at the time of the request, the information must be supplied as soon as reasonably possible. If a written request cannot be compiled within 5 days the requestor will be notified of the reason why.

Fees

Fees may be charged only if the requesting person asks for a copy or electrical transmittal of the data. Fees will be assessed according to the City's standard photocopying policy, unless significant time is required.

Residents

\$.25 per copy - First 3 copies no charge

Non-residents

\$.25 per copy

Additional fees

Photos-	\$10.00 + processing costs
Video/audio tapes-	\$10.00 + cost of tape
Accident Reports	\$ 5.00

* If the data has commercial value a reasonable fee for the information in addition to the gathering costs will be charged.

Arrest Data

Minn. Stat. 13.82, subd 2

The following data created or collected by law enforcement agencies which document any actions taken by them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual or liberty shall be public at all times.

1. Time, date and place of the action;
2. Any resistance encountered by the agency;
3. Any pursuit engaged in by the agency;
4. Whether any weapons were used by the agency or other individual;
5. The charge, arrest or search warrants, or other legal basis for the action;
6. The identities of the agencies, units within the agencies and individual persons taking the action;
7. Whether and where the individual is being held in custody or is being incarcerated by the agency;
8. The date, time and legal basis for any release from custody or incarceration;
9. The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;
10. Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation;
11. The manner in which information was received that led to the arrest and the name of individuals who supplied the information unless the identities of those individuals qualify for protection under Minn. Stat. 13.82, subd. 5a-5e and subd. 10;
12. ICR number

Request for Service Data

Minn. Stat. 13.82, subd 3

When a person requests help from law enforcement, the following information is public:

1. The nature of the request or activity complained of;
2. The name and address of the individual making the request unless the identity of the individual qualifies for protection under Minn. Stat. 13.82, subd. 5a-5e and subd. 10
3. Time and date of the request or complaint;
4. The response provided and the ICR number.

Audio recording of 911 calls

Audio recordings of 911 calls cannot be released to the public without the caller's consent.

Response or Incident Data

Minn. Stat. 13.82, subd. 4

Response Data is Public. What law enforcement did in response to a call for help is public and includes the following:

1. Date, time and place of law enforcement action;
2. What law enforcement agencies responded, including individual agency personnel unless their identity is qualified for protection under Minn. Stat. 13.82, subd. 5a-5e and subd. 10
3. Any resistance encountered;
4. Any pursuit engaged in by the agency;
5. Whether any weapons were used by the agency or other individuals;
6. A brief factual reconstruction of events associated with the action;
7. Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under Minn. Stat. 13.82, subd. 5a-5e and subd. 10
8. The name and location of the health care facility to which victims or casualties were taken ;
9. ICR number;
10. Dates of birth of the parties involved in a traffic accident;
11. Whether the persons involved were wearing seat belts;
12. Alcohol concentration of each driver;

Withholding Response Data

Minn. Stat. 13.82, subd. 7

Response data may be temporarily withheld from the public if it is reasonably believed that releasing such information is likely to endanger the physical safety of the individual or allow a perpetrator to flee, evade detection or destroy evidence. Release of arrest data must be done immediately; response data may be withheld temporarily.

Traffic Investigation Report

Minn. Stat. 169.09, subd 13

All accident reports and supplemental data that are required to be submitted to the Department of Public Safety are confidential data.

Persons Involved

Upon written request and verification of relationship to an accident, accident information must be provided to the person involved, representative of the person involved, surviving spouse, next of kin, trustee, legal counsel, or representative of the insurer. This pertains to information on the accident report itself and must be provided regardless of the status of any criminal action. Supplemental information may when necessary, be withheld as active investigative data. Consideration should be given to the need for a person involved in an accident to have the data vs. the need to withhold such information. All confidential data will be removed.

Non-Involved Persons

Accident investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the accident unless the inspection would identify a juvenile who was taken into custody or suspected of committing a criminal offense other than a minor traffic offense. No fee is charged for inspection and all confidential data contained in the report will be removed.

Requests for accident data by those with no relationship to the accident will be provided response or incident data. This also applies to the media.

Criminal Investigative data

Active Investigation

Investigations to prepare a civil or criminal case are confidential while the investigation is active.

If disclosing the information will "aid in the process, promote public safety, or dispel widespread rumor or unrest" then, disclosure is allowed

Law enforcement agencies may exchange active investigation data if necessary for initiating, furthering or completing another investigation. Minn. Stat. 13.82, subd. 15.

Inactive Investigation

An investigation is deemed inactive if the following:

1. A decision is made by the appropriate prosecutorial authority not to pursue the case;
2. Expiration of the time to bring a charge or file a complaint under the statute of limitations, or 30 years after the commission of the offense, whichever comes earliest; or
3. Exhaustion of or expiration of all rights of appeal by a person convicted on the basis of the investigative data.

Cases determined to be inactive may become active if the agency or appropriate prosecutorial authority decides to renew the investigation.

Inactive investigation data may be released as public data except data that is listed by Minn. Stat. 13.82, subd. 5a-5e and subd. 10.

Protection of Identities-

Minn. Stat. 13.82, subd. 5a-5e and subd. 10

Data may be withheld to protect the identities of people in the following situations:

1. Undercover officers;

2. Criminal sexual conduct victims or victim of minor engaged in sexual performance;
3. Informants if believed disclosing their identity would threaten their personal safety;
4. Victim or witness to a crime if they specifically request not to be identified and the department believes their personal safety or property would be threatened;
5. Deceased person whose body was unlawfully removed from a cemetery;
6. Person who called 911 or the phone used to call 911 if it is believed that the personal safety or property would be harmed or if the purpose of the call was a mental health emergency. A voice is deemed to identify the caller.
7. A juvenile witness and the agency determine the subject matter of the investigation justifies withholding the identity. (no request for protection needed);
8. Mandated reporter's name, child abuse (confidential) and vulnerable adult (private);
9. Identify a victim of child abuse or neglect. This data is private.
10. Identify a victim of vulnerable adult maltreatment. This data is private.
11. Identity of name changes. This is confidential during an active investigation and private when inactive.

Crime Victims

Prosecuting authority shall release investigative data to the victim of a criminal act or alleged criminal act upon written request unless the prosecuting authority reasonably believes:

1. That the release of that data will interfere with the investigation, or
2. The request is prompted by desire to engage in unlawful activities
3. EXCEPTION: copy of videotape of child witness in physical or sexual abuse case disclosable with court order only.

Data on registered criminal offenders shall be classified according to Minn. Stat. 243.166.