

**CITY OF RICHFIELD
GUIDELINES AND PROCEDURES
FOR THE
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

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INTRODUCTION

The Minnesota Government Data Practices Act, found at Minnesota Statutes Sections 13.01 — 13.99, regulates all government data collected, received, maintained, disseminated or stored by a state agency, political subdivision or state-wide system. See

<https://www.revisor.mn.gov/statutes/?view=part&start=13&close=13C>

Minnesota Statutes Sections 138.161 — 138.225 governs the retention, storage, and disposition of government data. See <http://www.richfieldmn.gov/home/showdocument?id=3440>

The City of Richfield's Data Retrieval Fees Policy implemented by City Council Resolution governs the charging of fees for copies of government data. See City Code, Appendix D by Resolution, Section 11.

These policies and procedures are written to assist City staff in making decisions in the areas listed above and to provide the public with information regarding the City's procedures. If you have any questions, please call the City Clerk's Office at (612) 861-9738.

I. RESPONSIBLE AUTHORITY

The person who is the responsible authority for compliance with the Act is Katie Rodriguez, City Manager of the City of Richfield. The responsible authority has designated certain other City employees to assist in complying with the Act. These designees are listed on attached Appendix A. The Data Compliance Official is Elizabeth VanHoose City Clerk.

II. COLLECTION, STORAGE AND DISPOSITION OF GOVERNMENT DATA

A. Collection

Government data means all data created, collected, received, maintained or disseminated by any state agency, political subdivision or statewide system regardless of the data's physical form, storage media or conditions of use. Government data includes all papers, cards, correspondence, discs, maps, memoranda, microfilms, photographs, recordings, reports, tapes, writings, computer medium and other data, information or documentary material.

The information collected must be accurate, complete, and current for the purposes for which it was collected. At any time a data subject may contest the accuracy and completeness of the data.

Minnesota Statute Chapter 13 "establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public." Minn. Stat. § 13.01, subd. 3 (1998).

B. Storage and Disposition

While some records must be kept for a period prescribed by law, a specific retention period for many government records is not prescribed. Those records may not be disposed of without the prior approval of the Records Disposition Panel. Unauthorized destruction of government records is a misdemeanor.

To obtain application forms for either a records retention schedule or disposition of specific records, call the Records Management Division of the Minnesota Department of Administration at 296-0257. The Minnesota Historical Society has information and resources regarding records retention and records management. See http://www.mnhs.org/preserve/records/gov_services.htm or contact the State Archives Office at 651-259-3260.

Each City department must keep its records in such an arrangement and condition as to make them easily accessible for convenient use.

III. CLASSIFICATION OF GOVERNMENT DATA

A. Data on Individuals

1. Definitions

Data on individuals means all government data in which any individual is or can be identified as the subject of the data unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

Public data on individuals is data on individuals, living or dead, which is accessible to the public. Unless classified otherwise by state or federal law or temporary classification, all data on individuals is accessible to the public regardless of its interest in the data.

Private data on individuals is data which is not accessible to the public but is accessible to the data subject. Data on individuals is private if so classified by state or federal law or temporary classification. In addition to the data subject, private data is also accessible to the data subject's representative, individuals, entities or persons given express written permission by the data subject, a minor's parent or guardian, personnel within the governmental entity whose work assignments reasonably require access, individuals, entities or persons authorized by state or federal law, and pursuant to a court order.

Except when asked to supply investigative data to a law enforcement officer, an individual asked to supply private data concerning the individual must be informed of certain facts as set forth in Minnesota Statutes Section 13.04, Subd. 2. This is known as the Tennesen Warning. (See Exhibit 2 for worksheet) 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.

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.

Private data on decedents means data which, prior to the death of a data subject, were classified by state or federal law or temporary classification as private data. Private data on decedents is accessible to the representative of the decedent, the trustee appointed in a wrongful death action, individuals, entities or persons given express written permission by the data subject or the representative of the decedent, persons, individuals or entities authorized by state or federal law, personnel within the entity whose work assignments reasonably require access, and pursuant to a court order. Private data on decedents is public ten years after the actual or presumed death of the data subject **and** thirty years after the creation of the data. "Nonpublic data concerning a decedent, created or collected after death, are accessible by the representative of the decedent." Minn. Stat. § 13.10, subd. 3 (1998).

Confidential data on individuals means data which by state or federal law or temporary classification is not accessible to the public or to the subject of the data. Confidential data on individuals is accessible to individuals authorized by state or federal law, personnel within the entity whose work assignments reasonably require access, and pursuant to a court order.

Except when asked to supply investigative data to a law enforcement officer, an individual asked to supply confidential data concerning the individual must be informed of certain facts as set forth in Minnesota Statutes Section 13.04, Subd. 2.

Confidential data on decedents means data which, prior to the death of a data subject, were classified by state or federal law or temporary classification as confidential data. Confidential data on decedents is accessible to individuals authorized by state or federal law, personnel within the entity whose work assignments reasonably require access, and pursuant to a court order. Confidential data on decedents is public ten years after the actual or presumed death of the data subject **and** thirty years after the creation of the data. "Nonpublic data concerning a decedent, created after death, are accessible by the representative of the decedent." Minn. Stat. § 13.10, subd. 3 (1998).

2. Data Protection

Accuracy and Currency of Data

- All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, Human Resources, City Clerk, or Payroll, 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 Directors 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 "government records" must be disposed of according to the City's records retention schedule. The term "government records" includes all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings, optical disks, and other data, information, or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or received by the City pursuant to state law or in connection with the transaction of public business. The term "government records" does not include: data that does not become part of an official transaction; library and museum material made or acquired and kept solely for reference or exhibit purposes; extra copies of documents kept only for convenience of reference and stock of publications and processed documents; and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws.

B. Data Safeguards

- **Data Inventory.** Pursuant to Minn. Stat. § 13.025, subd. 1, the City has a Data Inventory that identifies and describes all not public data on individuals maintained by the City. To comply with Minn. Stat. § 13.05, subd. 5, the City has modified its Data Inventory to represent the employees who have access to not public data.

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

In addition to those employees listed in the Inventory, the Responsible Authority (City Manager), the Compliance Officer (City Clerk), Assistant City Manager/Human Resources Director and Assistant Human Resources Manager may have access to *all* not public data maintained by the City for specified duties. Any access to not public data will be strictly limited to the data necessary to complete the work assignment.

- **Employee position descriptions and job responsibilities.** Position descriptions may contain provisions identifying any not public data accessible to the employee when a work assignment reasonably requires access. 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. The Human Resources Division shall instruct these employees to:

1. not discuss, disclose, or otherwise release private or confidential data to anyone other than City employees whose job responsibilities require access to the data;
 2. not leave private or confidential data where non-authorized individuals might see it; and
 3. shred private or confidential data before discarding.
- **Data Storage.** Private and confidential information will be stored in locked files, work spaces, or databases that are not readily accessible to individuals who do not have authorized access and that will be secured during hours when offices are closed. Private and confidential data will be kept only in City offices, except when necessary for City business. The City will limit access to shared network drives and implement password protections, where necessary, for not public data.
 - **Appointment of Designees.** To further ensure appropriate access and compliance with laws, the City Manager has appointed responsible authority designees within City departments. (See Appendix A)
 - **Data Sharing with Authorized Entities or Individuals.** State or federal law may authorize the sharing of public data in specific circumstances. Not public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will receive notice of any sharing in applicable Tennessee warnings or the City will obtain the individual's consent. Any sharing of not public data will be strictly limited to the data necessary or required to comply with applicable law.
 - **Security Assessment.** The City will conduct an annual comprehensive security assessment of any personal information maintained by the City (i.e., social security numbers, driver's license or identification numbers, and account, credit and debit card numbers along with any security code, access code or passwords that would permit access to an individual's financial account).
 - **Procedures for Breaches in Security.** In the event of an unauthorized breach of the security of not public data, the City will follow all applicable procedures pursuant to Minn. Stat. § 13.055. The City will promptly investigate a breach in the security of data. Upon completion of the investigation and final disposition of any disciplinary action related to the breach, the City will prepare a report on the facts and results of the investigation.

If the breach involves unauthorized access to or acquisition of data by an employee, contractor, or agent of the City, the report will include: 1) a description of the type of data that were accessed or acquired; 2) the number of individuals whose data was improperly accessed or acquired; 3) if there has been final disposition of disciplinary action, the name of each employee determined to be responsible for the unauthorized access or acquisition; and 4) the final disposition of any disciplinary action taken against each employee in response.

The City will notify the subject of the data that the report is being prepared and how to access the report and that the report may be requested by mail or email. Notification to the data subject may be delayed if a law enforcement agency determines that the notification will impede an active criminal investigation. After the law enforcement agency determines that notification will not compromise the investigation, the notification must be made to the data subject.

The City will notify each data subject affected by a breach in writing either by first class mail or by electronic notice, or by substitute notice, as allowed by law.

C. Summary Data

Summary data means statistical records and reports derived from data on individuals but in which the individuals are not in any way identifiable.

Summary data is public data unless otherwise classified by state or federal law or temporary classification.

D. Data Not On Individuals

Public data not on individuals is data accessible to the public unless otherwise classified by state or federal law or temporary classification.

Nonpublic data not on individuals means data which is not public but is accessible to the subject of the data, if any. As used here, the “subject of the data” means an individual, partnership, corporation, etc. Data not on individuals is nonpublic if so classified by state or federal law or temporary classification. Nonpublic data is accessible to the subject of the data, if any, individuals, entities or persons authorized by state or federal law, personnel within the entity whose work assignments reasonably require access, and pursuant to a court order.

Except for security information, nonpublic data not on individuals shall become public ten years after the data was created, collected or received by the governmental agency. Access may be denied if release of the data will result in a harm to the public or data subject which outweighs the benefit to the public.

Protected nonpublic data not on individuals means data which is not public and not accessible to the subject of the data. Data not on individuals is protected nonpublic if so classified by state or federal law or temporary classification. Protected nonpublic data is accessible to individuals, entities or persons authorized by state or federal law, personnel within the entity whose work assignments reasonably require access, and pursuant to a court order.

Except for security information, protected nonpublic data not on individuals shall become public ten years after the data was created, collected or received by the governmental agency. Access may be denied if release of the data will result in a harm to the public or data subject which outweighs the benefit to the public.

E. Minor 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 minor data subject. “Parent” means the parent or guardian of a minor 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
- **Notice to Minor.** Before requesting private data from a minor, city personnel must notify the minor that the minor may request that the information not be given to the minor’s parent(s). This notice should be in the form attached as Exhibit 1.
- **Denial of Parental Access.** The responsible authority or designee may deny parental access to private data when the minor requests this denial and the responsible authority or designee determines that withholding the data would be in the best interest of the minor. The request from the minor must be in writing stating the reasons for the request. In determining the best interest of the minor, the responsible authority or designee will consider:
 -)] Whether the minor is of sufficient age and maturity to explain the reasons and understand the consequences,
 -)] Whether denying access may protect the minor from physical or emotional harm,

-) Whether there are reasonable grounds to support the minor'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 minor as provided by Minnesota Statutes Section 144.335.

IV. TEMPORARY CLASSIFICATION

Unless a state or federal law expressly classifies government data as not public (i.e., private, confidential, nonpublic or protected nonpublic), the data is public and accessible to anyone. The Act allows a government entity to submit an application for temporary classification of data when the entity has a compelling reason to protect data that would otherwise be treated as public under the presumption that all unclassified data is public. Applications must be submitted to the Commissioner of the State Department of Administration and, if approved by the Commissioner, must be reviewed by the State Attorney General.

If an application is disapproved by either the Commissioner of Administration or the Attorney General, the data is public. If the data is approved by the Commissioner of Administration and Attorney General, the Commissioner must submit a bill to the legislature. The temporary classification expires June 1 of the year following its submission to the legislature. Minn. Stat. § 13.06, subd. 7 (2012).

Temporary classification forms may be obtained from the Data Privacy Division of the State Department of Administration (296-6733) or <http://www.ipad.state.mn.us/docs/tcinfo.html>. The City Attorney should be consulted before making an application.

V. REQUESTS FOR GOVERNMENT DATA

A. Requests for Data – General

Upon request to the responsible authority or the designee, an authorized individual, entity or person shall be permitted to inspect and copy government data at reasonable times and places and if the party requests, s/he shall be informed of the data's meaning.

"If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving governmental data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data." Minn. Stat. § 13.03, subd. 3 (1998). See also Minn. Stat. § 13.05, subd. 4(d)(7). See the data retrieval fees policy implemented by resolution (City Code, Appendix D by Resolution, Section 11). **Pre-payment is required for all copy requests.**

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.

If the request is unclear, for private or confidential data, or for many documents or for a variety of information or the data is not easily retrievable and involves the collating of data from a number of sources, you may require the request to be put in writing. (See Exhibit 4)

Regardless of where the data originates, if it is in your possession, it is government data and subject to the access provisions of the law. "Unless otherwise expressly provided by a particular statute, the classification of data is determined by the law applicable to the data at the time a request for access to the data is made, regardless of the data's classification at the time it was collected, created, or received." Minn. Stat. § 13.03, subd. 9 (1998).

Requested information is to be released as promptly as circumstances allow and in an impartial, courteous and objective manner. Data may not be withheld, delayed or selectively released to favor any person, agency or media. Specific independent inquiries, especially from the media, are to be honored in the order received.

B. Requests for Data on Individuals by the Data Subject

Any individual may inquire verbally or in writing whether the City has stored data about that individual and whether the data is classified as public, private, or confidential.

Upon request and when access/copies are authorized, the designee shall provide copies of the private or public data on individuals to the subject of the data or the subject's authorized representative.

The designee shall comply immediately, if possible, or within five working days of the date of the request if immediate compliance is not possible. If the responsible authority or designee cannot comply with the request within that time, s/he shall inform the requestor, and may have an additional five working days within which to comply with the request.

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.

If access is authorized, the responsible authority or designee **must** supply the requested data within ten working days.

C. Requests for Summary Data

Unless classified by a state statute, federal law or temporary classification, summary data derived from private or confidential data on individuals is public and the responsible authority or designee shall inform the requestor of the estimated costs of preparing the summary data, if any.

The responsible authority or the designee shall:

1. Provide the summary data requested as soon as reasonably possible; OR
2. Provide a written statement to the requestor, giving a time schedule for preparing the requested data, including reasons for any delays; OR
3. Provide access to the requestor to the private or confidential data so that the requestor can compile the summary. Such access will be provided only when the requestor signs a non-disclosure agreement; OR
4. Provide a written statement to the requestor stating reasons why the requestor's access would compromise the private or confidential data.

A NON-DISCLOSURE AGREEMENT is used to protect the confidentiality of government data when the requestor of the summary data will prepare the summary by accessing private or confidential data on individuals. A non-disclosure agreement shall contain at least the following:

1. A general description of the private or confidential data which is being used to prepare summary data;
2. The purpose for which the summary data is being prepared;
3. A statement that the preparer (requestor) understands s/he may be subject to the civil or criminal penalty provisions of the Act in the event that the private or confidential data is disclosed;
4. A section in which the preparer (requestor), in consideration for being given access to private or confidential data, agrees not to disclose data in any form that would identify or tend to identify an individual and that s/he also agrees to defend and indemnify the City of Richfield and any of its employees in any legal actions brought as a result of his/her having access to private or confidential data.

5. A description of the civil and criminal penalty provisions of the Act.
6. The signature of the requestor and the responsible authority, designee or his/her representative.

The City Attorney should be consulted about any proposed non-disclosure agreement.

D. Requests for Government Data by Other Government Agencies

A responsible authority may allow another government entity access to data classified as other than public ONLY when the access is authorized or required by state statute or federal law.

An agency that supplies government data may require the requesting agency to pay the actual cost of supplying the data when the requested data is NOT provided in the normal course of business and NOT required by state or federal law.

Data shall have the same classification in the hands of the agency receiving it as it had in the agency providing it unless the classification is required to change to meet judicial or administrative requirements. When practical and necessary, the agency providing the requested information shall indicate the classification of the information if the data is classified as "not public." If a government entity disseminates data to another government entity, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data." Minn. Stat. § 13.03, subd. 4(d) (1998).

When necessary, the requesting agency, if not listed on the "Tennessen Warning," should obtain informed consent from the data subject(s) for information classified as private or confidential. Minnesota Statutes Section 13.04, Subd. 2. (For Tennessen Warning see Exhibit 2)

E. Requests for All Other Government Data

For requests from parties other than individual data subjects or government agencies or persons, when access is authorized, the responsible authority or designee should provide data on request.

If access is authorized and the responsible authority or designee is not able to provide copies at the time the request is made, s/he shall supply copies as soon as reasonably possible.

F. Denying Requests for Access to Government Data

Access to government data may be denied when the data is classified by state statute or federal law as not accessible to the requestor.

Any person denied access to government data shall be informed orally at the time of the request or in writing as soon after that time as possible of the specific state statute, federal law or temporary classification upon which the denial is based.

Further, upon the request of any person denied access, the responsible authority or designee shall certify in writing that the request for access has been denied and cite the specific state statute, federal law or temporary classification upon which the denial was based.

VI. VIOLATION OF THE ACT

If the City or any City employee violates the Act, the City can be sued for damages by the person who claims harm. If a court determines that the violation was willful, the City may, in addition, be liable for exemplary damages of not less than \$100 nor more than \$15,000 for each violation. Minnesota Statutes Section 13.08, Subd. 1.

A person who willfully violates the Act is guilty of a misdemeanor. Willful violation of the Act also constitutes just cause for suspension without pay or dismissal. Minnesota Statutes Section 13.09.

Appendix A

RESPONSIBLE AUTHORITY DESIGNEES

I, Katie Rodriguez, City Manager, am the Responsible Authority for the City of Richfield for the Minnesota Government Data Practices Act. Pursuant to Minnesota Statutes §13.03, I have the authority to designate one or more designees.

I hereby designate the incumbents of the following job titles as designees for their respective departments or offices. These designees may further assign designees within their respective departments or offices.

| <u>Job Title</u> | <u>Department/Office</u> | <u>Name</u> |
|-------------------------|---------------------------------|--------------------|
| Director | Public Works | Kristin Asher |
| Director | Public Safety | Jay Henthorne |
| Director | Community Development | John Stark |
| Director | Recreation | Amy Markle |
| Fire Chief | Fire | Wayne Kewitsch |
| Director | Liquor | Bill Fillmore |
| Assistant City Manager | Administration | Pam Dmytrenko |
| City Clerk | Administration | Elizabeth VanHoose |

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Appendix B

FEES FOR PROVIDING COPIES OF PUBLIC GOVERNMENT DATA

For current fees see City Code, Appendix D by Resolution, Section 11.

This document provides information and guidance on the City of Richfield's charges for copy fees. **Pre-payment is mandatory for all copy requests for which fees are charged.**

Minnesota Statutes, section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, and the requester is not the subject of the data, the responsible authority for the government entity *may* require the requester to pay a fee. Amendments to section 13.03 in 2005 require entities to calculate any fee that is charged by using *one* of the two methods below. (Minnesota Session Laws 2005, Chapter 163, section 8, effective August 1, 2005.) Regardless of which method is used, the City will not charge for separating public data from not public data.

Fee Calculation Method I

If 100 or fewer pages of black and white, letter or legal size paper copies are requested, the entity **may** charge a **per-page fee** of not more than 25 cents for each page copied (50 cents for a two-sided copy). The entity is authorized to charge *only* the per-page fee and *cannot* require the requester to pay *any* of the costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Fee Calculation Method II

In all other circumstances, including requests to provide data via facsimile or email, the City **may** require the requester to pay the **actual costs** of *searching* for and *retrieving* the data, including the cost of employee time, and for *making, certifying, compiling* and *electronically transmitting* copies of the data or the data themselves. Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The City will not charge a minimum fee.

Certain advisory opinions, issued pursuant to Minnesota Statutes, section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website; specifically, the topical index category, Copy costs.)

A. Costs that *may be included* as long as they are *reasonable*:

-) Staff time required to:
 - Retrieve documents (except for data subjects)
 - Sort and label documents, *only* if necessary to identify the data to be copied
 - Remove staples or paper clips
 - Copy documents

Notes: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.
-) Materials (paper, copier ink, staples, magnetic tapes, CD's or DVD's, etc.)
-) Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data. Note: Computerized data must be kept in a manner that makes the data easily accessible for convenient use.
-) Mailing costs
-) Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)

B. Costs that *may not* be included:

-) Purchase or rental of copier
-) Maintenance of copier
-) Normal operating expenses of computer/copier, including electricity used, and machine wear/tear
-) Depreciation of copier
-) Staff time required to:
 - Separate public from non-public data
 - Open a data request that was mailed
 - Sort, label or review data, if not necessary to identify the data to be copied
 - Return documents to storage
 - Provide information about the data to the requester (i.e., explain content and meaning of data)
 - Prepare data for mailing
 - Prepare cover letter, fax sheet or invoice for copies
 - Credit payment and perform other associated accounting functions
 - Administrative costs that are not related to copying
 - Records storage
 - Sales tax
 - Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use
 - Search and retrieval costs when data are inspected but no copies are requested

Note: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s)

APPENDIX C

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

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

GENERAL

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.

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.

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.

Community Dispute Resolution Center Data

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.88

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

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.

Temporary Emergency Housing for Displaced Persons

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.587

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

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.

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.

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.

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.

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.

Pleadings

CLASSIFICATION(S): Public

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

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

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 re-solicitation 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 re-solicitation of the proposals does not occur within one year of the proposal opening data, the remaining data become public.

Safe at Home Program Participants

CLASSIFICATION(S): Private

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

DESCRIPTION OF DATA: The name and address of a Safe at Home program participant that is maintained in connection with an active investigation or inspection of an alleged health code, building code, fire code, or City ordinance violation allegedly committed by a program participant.

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.

Security Information

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: 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 (as determined by the Responsible Authority). This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home and mailing addresses, telephone numbers, e-mail or other digital addresses, Internet communications services account information or similar account information, and global positioning system locations but this information may be disseminated to other volunteers participating in crime prevention programs.

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.

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

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

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.

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.

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.

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.

Business Energy Accountability

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.681 and 216C.44, subd. 5

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

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.

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 system, including its internet service, for the purpose of: (1) gaining access to data or information; (2) transferring data or information; or (3) using government 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.

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.

Homestead Applications

CLASSIFICATION(S): Private

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

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

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.

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.

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.

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.

Parking Space Leasing Data

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

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

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.

Security Service Data

CLASSIFICATION(S): Nonpublic/Private/Public

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

DESCRIPTION OF DATA: Data and video collected, created, or maintained by a security service or by in-house security systems for the purpose of providing security services to the City.

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.

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.

Transportation Service Data

CLASSIFICATION(S): Private

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

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

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.

Award Data

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.48

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

Benefit Data

CLASSIFICATION(S): Private / Public

GOVERNING STATUTE: Minn. Stat. § 13.462

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

Housing Agency Data

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

GOVERNING STATUTE: Minn. Stat. § 13.585

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

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.

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.

PERSONNEL**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.*

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.

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.

Examination Data

CLASSIFICATION(S): Private / Confidential

GOVERNING STATUTE: Minn. Stat. § 13.34

DESCRIPTION OF DATA: Completed versions of personnel and licensing examinations

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.

Labor Relations Information

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

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

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.).*

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.

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.

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.

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.

Automated License Plate Reader Data

CLASSIFICATION(S): Private on individuals / Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.824, subd. 1 and 2

DESCRIPTION OF DATA: Data collected by an automated license plate reader including: license plate numbers; date, time, and location data on vehicles; and pictures of license plates, vehicles, and areas surrounding the vehicles.

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.

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.

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.

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.

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.

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.

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.

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.

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.

EMT or First Responder Misconduct Data

CLASSIFICATION(S): Confidential/Protected Nonpublic

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

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

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.

Firearms Data

CLASSIFICATION(S): Private

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

DESCRIPTION OF DATA: Data about the purchase or transfer of firearms.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Exhibit 1

NOTICE TO MINORS (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 2

TENNESSEN WARNING DEVELOPMENT WORKSHEET

Minnesota Statutes, section 13.04, "Rights of Subjects of Data" requires that when an individual is asked to supply private or confidential data concerning himself or herself, he or she must be given certain information about why we need the data and how we will use it.

In order to draft a "Tennessee Warning" which meets the requirements of Minnesota Statutes, sections 13.04, subdivision 2, 13.05, subdivision 8 and other provisions of the Data Practices Act, please complete the following:

1. Name of department and contact person.
2. Is the City asking the individual to supply data about himself or herself?
 - a. If yes, proceed to 3.
 - b. If no, a Tennessee advisory is not required.
3. Is the data that the individual is being asked to supply classified as private or confidential?
 - a. If yes, proceed to 4
 - b. If no, a Tennessee advisory is not required.
4. Briefly describe the purpose and intended use of the information you are requesting.
5. Can the individual refuse to supply any of the requested information or is the information required? If the data is legally required, what is the authority (i.e., court order, statute, or federal law)?
6. What are the known consequences to the individual of supplying the requested data?
(Examples: employment or program eligibility)
7. What are the known consequences to the individual of refusing to supply the requested data?
(Examples: contempt of court, eligibility for employment or program participation)
8. List the identity of other individuals, entities or persons authorized by state or federal law to receive the data. (Examples: individuals whose work assignment request access, pursuant to court order, pursuant to state law)
9. Is any private or confidential data collected from a minor? If so, determine whether minor notification is required.

EXAMPLE OF TENNESSEN ADVISORY

The City of Richfield is conducting an investigation into _____ for possible disciplinary action. The subject matter of this investigation will not be discussed until this advisory has been read, understood and signed. Facts regarding the subject matter will be collected during the investigation and that information will be presented to your Supervisor. ***[THIS PARAGRAPH DESCRIBES THE PURPOSES AND INTENDED USE.]***

You are required to provide the City, through its authorized representatives, with all requested information relative to this investigation. The requested information may be in the form of an oral or written statement or documents. If you refuse to provide such information, you may be subject to discipline, including suspension without pay or termination. ***[DESCRIBES WHETHER INFORMATION IS REQUIRED AND CONSEQUENCES OF REFUSING TO PROVIDE INFORMATION]***

You are required to answer all questions that may be asked of you in the course of this investigation. Your failure to answer any of these questions in a prompt, truthful and complete manner may be the basis for disciplinary action against you, including dismissal.

Any information that you provide will be made accessible to the following persons or entities: ***[IDENTIFIES WHO WILL BE PROVIDED WITH DATA]***

- A. The subject(s) of the data, which may include someone other than yourself.
- B. Individuals within the City of Richfield whose work assignments reasonably require access to the information you provide. Those individuals include, but are not necessarily limited to, your immediate supervisor(s), the Human Resources Manager and other Human Resources Division employees, and the City Manager.
- C. Any persons, entities or agencies authorized by state or federal law to have access to the information. These include, but are not necessarily limited to, the following:
 - 1. Law Enforcement Agencies. The information you provide may be referred to a law enforcement agency for purposes of initiating or furthering a criminal investigation. You are advised, however, that any statements you make under threat of discipline, or evidence obtained as a result of such statements, cannot be used against you in any criminal proceeding.
 - 2. Contracting Parties. Where a contract between the City of Richfield requires that such party have access, the information you provide will be shared with that contracting party. The contracting party may not disclose the information except as authorized by state or federal law. Contracting parties include, but are not necessarily limited to, labor consultants hired by the City and representatives of your exclusive bargaining representative.

3. City Attorneys. The information you provide may be shared with the City's Attorneys, if the information is related to a matter upon which the City has requested legal advice.
 4. Open Meetings. As required by the Open Meeting Law, Minnesota Statute 471.705.
 5. Documentation Supporting Disciplinary Action. If such information results in the imposition of discipline (including oral or written reprimand, suspension with or without pay or termination), the information you provide will become available to the public as documentation supporting final disciplinary action.
 6. Change in Classification. The information you provide may be made available to other persons or entities if state or federal law subsequently authorizes such access or if the State Commissioner of Administration approves a new or different use for the information pursuant to Minn. Stat. 13.05, subd. 4 (c).
 7. Court Order. The information you provide will be made available to any persons or entities authorized by court order to have access to the information.
- D. Persons or entities who have the express written consent of the data subject, who may be someone other than yourself.

I have read and understand the above advisory.

Name

Date

Exhibit 3

SAMPLE INFORMED CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Richfield ("City") to
(print name)
release the following private data about me:

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

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

This authorization is dated _____ and expires on
_____.

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

Signature

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

IDENTITY VERIFIED BY:

- ☐ **Witness:** x _____
- ☐ **Identification:** Driver's License, State ID, Passport,
other: _____
- ☐ **Comparison with signature on file**
- ☐ **Other:** _____

Responsible Authority/Designee: _____

Exhibit 4

Data Request Form

Minnesota Government Data Practices Act

City of Richfield | 6700 Portland Avenue S | Richfield, MN 55423 | 612-861-9700 | www.richfieldmn.gov

A. COMPLETED BY REQUESTER

| | | |
|---|----------------|------------------|
| REQUESTER NAME (Last, First, MI): | | DATE OF REQUEST: |
| | | PHONE NUMBER: |
| STREET ADDRESS | | |
| CITY, STATE, ZIP CODE | EMAIL ADDRESS: | |
| DESCRIPTION OF INFORMATION REQUESTED (PLEASE BE SPECIFIC): <div style="float: right; text-align: right; font-style: italic;"> **If this is a Police Records Request, please fill out additional information on the next page.** </div> | | |
| I AM REQUESTING ACCESS TO DATA IN THE FOLLOWING WAY (CHECK ALL THAT APPLY): <input type="checkbox"/> INSPECT COPIES AT CITY HALL <input type="checkbox"/> EMAIL COPIES <input type="checkbox"/> PAPER COPIES (TO BE PICKED UP) <input type="checkbox"/> PAPER COPIES (TO BE MAILED) <input type="checkbox"/> FAX COPIES <small>Note: You may be required to pay the actual cost of making and/or compiling the copies of information requested.</small> | | |
| SIGNATURE: | | |

DATA PRIVACY ADVISORY: This information is not legally required but used for the sole purpose of facilitating access to the data. Once the request has been completed, this form will constitute a public record. The purpose and intended use of this information is to process your request, contact you if additional information is needed and, when requesting private or confidential data on individuals, to determine authority to access the data.

B. COMPLETED BY DEPARTMENT

| | | | |
|---|-----------------------------------|---|---|
| DEPARTMENT NAME: | | REQUEST HANDLED BY: | |
| METHOD OF RESPONSE: | | INFORMATION CLASSIFIED AS: | |
| <input type="checkbox"/> IN-PERSON <input type="checkbox"/> PHONE <input type="checkbox"/> EMAIL <input type="checkbox"/> MAIL <input type="checkbox"/> FAX | | <input type="checkbox"/> PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> PROTECTED NON-PUBLIC | |
| ACTION: | <input type="checkbox"/> APPROVED | <input type="checkbox"/> APPROVED IN PART (Explain Below) | <input type="checkbox"/> DENIED (Explain Below) |
| IDENTITY VERIFIED FOR PRIVATE INFORMATION: | | | |
| <input type="checkbox"/> IDENTIFICATION <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER _____ | | | |

C. COMPLETED WHEN FEES ARE ASSESSED

| | | |
|--|--------------|-----------------|
| CHARGES: | | |
| <input type="checkbox"/> NONE <input type="checkbox"/> _____ x \$0.25 = \$ _____ <input type="checkbox"/> EMPLOYEE TIME _____ x \$ _____ = \$ _____ <input type="checkbox"/> POSTAGE (IF MAILED) \$ _____ <input type="checkbox"/> OTHER \$ _____ <small>(# OF PAGES) (# OF HOURS) X (HOURLY RATE)</small> | | |
| TOTAL AMOUNT DUE: \$ | RECEIVED BY: | DATE: |
| AUTHORIZED SIGNATURE: | | DATE COMPLETED: |

Make check/money order payable to: City of Richfield

QUESTIONS? 612-861-9738

If mailed, return form and payment to: City of Richfield, Attn: City Clerk, 6700 Portland Ave S, Richfield, MN 55423

Or e-mail form to: datarequest@richfieldmn.gov



Data Request Form Police Department Supplement

A. CASE NUMBER

CASE NUMBER / EVENT NUMBER:

B. SUBJECT OF DATA

- ☐ I am the subject of the data
☐ I am not the subject of the data

If the information you are asking for is about you personally, then you are the "subject of the data."

C. RECORDS REQUESTED

TYPE OF RECORDS REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> 911 Transcript | <input type="checkbox"/> Email Search |
| <input type="checkbox"/> Audio (Interview) | <input type="checkbox"/> Photographs |
| <input type="checkbox"/> Body Camera Video | <input type="checkbox"/> Police Report (including "call for service" reports and "CAD comments") |
| <input type="checkbox"/> CCTV Camera Video | <input type="checkbox"/> Statistical Data |
| <input type="checkbox"/> Squad Camera Video | <input type="checkbox"/> Other (Specify Below) |

DESCRIBE THE RECORDS REQUESTED:

DATE RANGE OF REQUEST:

From:

To:

INCIDENT DATE:

INCIDENT TIME:

INCIDENT LOCATION: