

**CITY OF RED WING
DATA PRACTICES PROCEDURES
PUBLIC DOCUMENT**

- I. **Introduction.** These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the “Act”), specifically Minnesota Statutes Section 13.025, 13.03, Subd. 2, and 13.05, Subd. 5.
- II. **Responsible Authority.** The City Council has appointed Teri L. Swanson, City Clerk, as the person who is the Responsible Authority for compliance with the Act. She has appointed Jewel Thurman, Human Resource Manager; Sandy Gernentz, Fire Department Office Clerk/Receptionist; Amy Smith, Library Administrative Assistant; Janelle Ahern, Police Department Administrative Secretary; Frank Peterson, Building Inspector; Jeff Krueger, IT Manager; Laura Blair, Administrative Services Director; and Tammie Dougherty, Public Works Office Manager, as designee to assist in complying with the Act. All requests for data should be directed to the Responsible Authority.
- III. **Access to Public Data.** All information maintained by the City is public unless there is a specific statutory designation that 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 must be made in writing and may be made by mail, facsimile, or email. A request for information relating to litigation will be referred to the City Attorney.
- C. **Time Limits.** Requests will be received and processed during normal business hours. If requests cannot be processed or copies cannot be made immediately at the time of the request, the request will be completed within a reasonable time.
- 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 fee ordinance (Exhibit A) and as allowed under Minnesota Statutes Section 13.03. The fee may not include time necessary to separate public from nonpublic 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 attached as Exhibit 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 D, or a reasonably similar form.
 - ☞ 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.
 - ☞ People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access to said information.
- *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 to said information.

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

All requests to see or copy private or confidential information must be in writing. An Information Disclosure Request, attached as Exhibit E (Exhibit F for police data), 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. A request for information relating to litigation will be referred to the City Attorney.

- 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 done 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 will be received and processed during normal business hours. If the requesting party is the subject of the data, the response must be immediate, if possible, or within 10 working days if an immediate response is not possible. If the requesting party is not the subject of the data, the response must be immediate, if possible, or as soon as reasonably possible.
- E. Fees.** Fees will be charged in accordance with the fee ordinance attached as Exhibit A and as allowed under Minnesota Statutes Section 13.04.
- 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 private or confidential data. Unless classified by other statute or federal law, summary 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 requester of the anticipated time schedule and the reasons for any delay.

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 G.

- G. Minor Children's 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 child subject. "Parent" means the parent or legal guardian of a minor child data subject, or individual acting as a parent or legal guardian in the absence of a parent or legal 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 that prohibits this right.

- **Notice to Minor.** Before requesting private data from minor children, city personnel must notify the minors that they may request that the information not be given to their parent(s). This notice should be in the form attached as Exhibit I.
- **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 child. 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 is 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 under Minnesota Health Records Act.

The Responsible Authority or Designee will document the basis for its decision when it considers a minor's request to deny parental access to data.

- 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 verbally at the time of the request or in writing as soon after that as possible. When informing the requesting party, the Responsible Authority or Designee must cite the particular statute, temporary classification or federal law that forms the legal authority for the denial. 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 himself or herself, the City employee requesting the information must give the individual a *Tennessee* warning, see Exhibit C. 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 is not required when an employee is requested to supply data to his/her employer and the data requested falls within the employee's scope of employment.

A *Tennessee* warning may be on a separate form or may be incorporated into the form that requests the private or confidential data.

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 must respond in writing to the individual as to his/her determination. The determination must be that the data was inaccurate, incomplete, accurate, and/or complete. If inaccurate or incomplete, the Responsible Authority must 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.

An individual who is dissatisfied with the Responsible Authority's determination 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 or a court.

VIII. Data Protection

A. Accuracy and Currency of Data

- All employees will be requested to provide updated personal information to the appropriate supervisor and Human Resource Manager, which is necessary for tax, insurance, emergency notifications, 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 General Records Retention Schedule.

B. Data Safeguards

- Private and confidential information will be stored in files or databases that are not 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/descriptions require them to have access will be allowed access to files and records that contain private and confidential information. These employees may be identified in the following ways:
 - ☞ The City will identify employees who have access to not public data in its Data Inventory;
 - ☞ Position descriptions may identify not public data accessible to employees when a work assignment reasonably requires;
 - ☞ An employee may access certain not public data in the event of a temporary duty assigned by a manager or supervisor for as long as is required to complete the work; and
 - ☞ The Responsible Authority, Designees, City Council Administrator, and City Attorneys may have access to all not public data maintained by the City as necessary to complete fulfill assigned duties and work.
- The employees authorized to access not public data 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 or gain access to it,
 - ☞ password protect computers and lock computers before leaving workstations, and
 - ☞ shred private or confidential data before discarding, or dispose through confidential waste incineration.
- 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 H.
 - Not public data may be shared with another entity if federal or state law allows or mandates it. Not public data may be shared to the extent necessary or required by the law.
 - Unauthorized use or disclosure of private or confidential data may result in disciplinary action up to and including termination. A willful unauthorized use or disclosure of private or confidential data may result in other penalties as provided in Minnesota Statutes Section 13.09.

IX. Red Wing Library

- A. Patron Data Privacy.** The Red Wing Public Library (hereinafter “Library”) shall comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Section 13.40.

Library records that link a patron’s name with materials requested or borrowed by the patron or which links a patron’s name with a specific subject about which the patron has requested information or materials is classified as private (hereinafter referred to as “private library data”).

Data supplied by a user in applying for a library card, except for the name of the borrower, is also classified as private library data (Exhibit J).

Private library data is accessible only to the individual who is the subject of that data. In the case of a minor (under 18) or a person adjudged mentally incompetent, “individual” includes a parent or guardian, or an individual acting as a parent or guardian in the absence of a parent or guardian. Release of private library data to the individual requires that the individual possess the individual’s library card, or other form of identification.

However, the Library shall withhold private library data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request of the minor, if the Library determines that withholding the data is in the best interest of the minor. In that case, the minor and authorized staff person of the Library shall complete and sign a Data Privacy Withholding Request Form (Exhibit K).

With regard to incoming and outgoing telephone calls and overdue notices, the Library staff must take appropriate steps to identify the individual patron prior to giving out information considered to be private library data.

B. Standards and Guidelines for Automated Library Systems (Exhibit L).

Exhibit A

REQUEST FOR PUBLIC DATA

Person Requesting Copy of Public Government Data	Data to be Copied: #, size, and color	Copying Fee	Postage
Subject of data	Any document, compact disc, audio tape, videotape, etc., that identifies the requestor; copies not limited in number, size or color.	Limited to the actual cost of making and certifying copies only. <u>Ambulance Run Report</u> : No Charge to patient involved. <u>Fire Incident Report</u> : No charge to person/owner involved. <u>Police Accident Report</u> : No charge to driver/passenger involved.	No Charge
Any other person who is not the subject of data	100 or fewer copies of documents that are letter or legal size and black and white.	NO charge for 10 pages or less. Over 10 pages, \$0.25 per page.	No Charge
Any other person who is not the subject of data	More than 100 copies, odd-sized or color copies, regardless of the number, size or color. Copies of data stored electronically, compact discs, audio tapes, videotapes, etc.	Actual cost of searching for and retrieving documents, discs, tapes, etc., including cost of employee time, and for making and certifying (and electronically transmitting).	Actual Cost
Channel 6 Program Copies	City meetings, city sponsored speaker events, election candidate forums, etc.	\$10.00 for each program copied onto a DVD. Copies will be ready for pick up two business days following a request.	Actual Cost
Domestic Abuse Victim	Written police reports, calls for service, arrest data, or response or incident data that arise out of the domestic abuse incident; not limited in number, size or color.	No charge applies pursuant to Minn. Stat. §629.341	No Charge

EXHIBIT B

**CITY OF RED WING
DATA INVENTORY**

Responsible Authority is:
Teri L. Swanson, City Clerk
315 West 4th Street
Red Wing, MN 55066
Teri.Swanson@ci.red-wing.mn.us
651-385-3615

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
Absentee Ballots	Sealed absentee ballots before opening by an election judge.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Applicants for Appointment	<p>Data about applicants for appointment to a public body collected by the City as a result of the applicant's application for appointment to the public body are private data on individuals except that the following are public: name; city of residence, except when the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; and prior government service; and veteran status.</p> <p>Once an individual is appointed to a public body, the following are 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, first and last dates of service on the public body, the existence or status of any complaints or charges against</p>	Private	MS 13.601	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>an appointee. Upon completion of an investigation of a complaint or charge, the final investigative report is public, unless access to the data would jeopardize an active investigation.</p>			
Appraisal Data	<p>Appraised values of individual parcels of real property, made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the City, are private.</p> <p>Estimated or appraised values of individual parcels of real property that are made by City personnel or by independent appraisers acting for the City for the purpose of selling or acquiring land through purchase or condemnation are confidential.</p> <p>Such data become public if: (1) the data are submitted to a court-appointed condemnation commissioner; (2) the data are presented in court in condemnation proceedings; or (3) the negotiating parties enter into an agreement for the purchase and sale of the property; or (4) at the discretion of the City, a majority of the Council votes to make it public.</p>	<p>Confidential/ Private with regard to data on individuals/ Nonpublic with regard to data not on individuals</p>	MS 13.44, subd. 3	<p>Certain employees on an as needed basis as part of specific work assignment.</p>
Assessor's Data	<p>Data contained on sales sheets received from private multiple listing service organizations where the contract with the organizations requires the political subdivision to refrain from making the data available to the public.</p>	Private	MS 13.51	<p>Certain employees on an as needed basis as part of specific work assignment.</p>

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>Income information on individuals used to determine eligibility of property for class 4d under sections 273.128 and 273.13,</p> <p>The following data regarding income properties:</p> <ul style="list-style-type: none"> • income and expense figures • average vacancy factors • net rentable or useable areas, • anticipated income and expenses for current year, • projected vacancy factor for current year, and • lease information. 			
Award 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 are private data on individuals or nonpublic data.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.48	Certain employees on an as needed basis as part of specific work assignment.
Benefit Data HRA	All data about individuals participating in the City's housing rehabilitation program, Section 8 rental assistance program or other housing assistance program are private, except that the names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered through the City that are intended to assist with the purchase of housing or other real property are public.	Private	MS 13.462	Certain employees on an as needed basis as part of specific work assignment.
Business Data	The following data, that are submitted to the City by a business requesting financial assistance or a benefit financed by public funds, are private or nonpublic data: financial information about the business, including credit reports; financial	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.591	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	statements; net worth calculations; business plans; income and expense projections; balance sheets; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds. Data submitted become public when public financial assistance is provided or the business receives a benefit from the City, except that the following data remain private or nonpublic: 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.			
City Attorney Records	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 that is the subject of attorney-client privilege is confidential. Data that is the subject of the "work product" privilege is confidential.	Confidential	MS 13.393	Certain employees on an as needed basis as part of specific work assignment.
Civil Investigative 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 is confidential, except that a complainant's statement is private.	Confidential, Private	MS 13.39	Certain employees on an as needed basis as part of specific work assignment.
Computer Data	Data created, collected, or maintained about a person's access to the City's computer for the purpose of: gaining access	Private	MS 13.15	Certain employees on an as needed basis as part of

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	to data or information; transferring data or information; or using government services, are private data.			specific work assignment.
Data on Decedents	<p>Data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data, are confidential data on decedents.</p> <p>Data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data, are private data on decedents.</p>	Confidential, Private	MS 13.10	Certain employees on an as needed basis as part of specific work assignment.
Domestic Abuse Data	Data collected under the Domestic Abuse Act is confidential, until a temporary court order made pursuant to subdivision 5 or 7 of section 518B.01 is executed or served upon the data subject who is the respondent to the action.	Confidential	MS 13.80 & 13.82	Certain employees on an as needed basis as part of specific work assignment.
Economic Assistance Data	The following data that are submitted to a housing and redevelopment authority by persons who are requesting financial assistance are private data on individuals or nonpublic data: financial statements; credit reports; business plans; income and expense projections; customer lists; balance sheets; income tax returns; and design, market, and feasibility studies not paid for with public funds. Data become public data if the authority provides financial assistance to the person, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.59	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	returns; and design, market, and feasibility studies not paid for with public funds.			
Elected Officials Correspondence	Correspondence between individuals and elected officials.	Private, but may be made public by either the sender or recipient.	MS 13.601, subd. 2	Certain employees on an as needed basis as part of specific work assignment.
Examination Data	Completed versions of personnel, and licensing, or academic 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.	Private	MS 13.34	Certain employees on an as needed basis as part of specific work assignment.
Federal Contracts Data	To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City because the City contracts with the federal agency is classified as private or nonpublic.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.35	Certain employees on an as needed basis as part of specific work assignment.
Firearms Data	Data about the purchase or transfer of firearms and applications for permits to carry firearms.	Private	MS 13.87, subd. 2	Certain employees on an as needed basis as part of specific work assignment.
Human Rights Investigative Data	Human rights investigative data are confidential while the file is open with the Department of Human Rights. Human rights investigative data contained in a closed case file are private data, except that the name and address of the charging party and respondent, factual basis of the allegations, the statute under which the action is brought, the	Confidential, Private	MS 363A.35	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	part of the summary of the investigation that does not contain identifying data on a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data, unless another statute applies.			
Ice Arena Rentals	The following data relating to convention rentals are classified as private or nonpublic: Letter or other documentation from any person who makes inquiry to or who is contacted by the facility regarding the availability of the facility for staging events, identity of firms and corporations which contact the facility, type of event which they wish to stage in the facility, suggested terms of rentals, and responses of authority staff to these inquiries, exhibitor data.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.55	Certain employees on an as needed basis as part of specific work assignment.
Labor Relations Data	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.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Law Enforcement Data	Certain arrest data, request for service data, and response or incident data is public under Minn. Stat. §13.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active. Photographs that are part of inactive investigation files are private if they are clearly offensive to common	Confidential, Private	MS 13.82	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	<p>sensibilities. Booking photographs are public.</p> <p>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 that relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private.</p> <p>The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected.</p> <p>Unique descriptions of stolen, lost, confiscated, or recovered property are private.</p> <p>Identities of customers of licensed pawnshops and secondhand goods dealers are private.</p> <p>Detention data which would disclose medical, psychological or financial information or endanger an individual's life is private (Minn. Stat. §13.85).</p> <p>Criminal history data is private, except convictions of crimes within the past 15 years (Minn. Stat. §13.87).</p> <p>Deliberative processes or investigative techniques of law enforcement agencies are confidential.</p>			

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	Data in arrest warrants or search warrants is confidential until the individual 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 the information public			
Personal Contact and Online Account Information	Telephone numbers, e-mail addresses, Internet user names, passwords, Internet protocol addresses, and any other similar data collected, maintained, or received by a government entity for notification purposes or as part of a subscription list as requested by the individual are private data.	Private	MS 13.356	Certain employees on an as needed basis as part of specific work assignment.
Personnel Data	Data on individuals maintained because the individual is or was an employee of the City, an applicant for employment with the City, a volunteer performing services for the City, or an independent contractor performing services for the City is either public, private, or confidential pursuant to MS 13.43.	Private, Confidential, or Public	MS 13.43	Certain employees on an as needed basis as part of specific work assignment.
Planning Survey Data	<p>The following data collected in surveys of businesses conducted by the City for the purpose of planning, development and redevelopment are classified as private or nonpublic: names and addresses of individuals and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.</p> <p>The following data collected in surveys of individuals conducted</p>	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.59	Certain employees on an as needed basis as part of specific work assignment.

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	by cities and housing and redevelopment authorities for the purposes of planning, development, and redevelopment, are classified as private: the names and addresses of individuals and the legal descriptions of property owned by individuals.			
Predatory Offender Registration and Release	Data on the registration and release of persons required to register as predatory offenders is private data on the offender, except as required by law to be released to the public. Information regarding witnesses requesting notice of the release of the offender, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are private data on the recipient of the notice.	Private	MS 244.053; 244.10	Certain employees on an as needed basis as part of specific work assignment.
Property Complaint Data	The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.	Confidential	MS 13.44	Certain employees on an as needed basis as part of specific work assignment.
Recreation Data	For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identify the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.	Private	MS 13.548	Certain employees on an as needed basis as part of specific work assignment.
Sealed Bids	Sealed bids, including the number of bids received, prior to	Private with regard to data on	MS 13.37	Certain employees on

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee Work Access
	opening.	individuals; Nonpublic with regard to data not on individuals		an as needed basis as part of specific work assignment.
Security Information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes checking account numbers, crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home and mailing addresses, telephone numbers, e-mail or other digital addresses, Internet communication services accounts information or similar accounts information, and global positioning system locations.	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.
Social Security Numbers	Social security numbers, in whole or in part, are private.	Private	MS 13.355	Certain employees on an as needed basis as part of specific work assignment.
Trade Secret Information	Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the affected 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	Private with regard to data on individuals; Nonpublic with regard to data not on individuals	MS 13.37	Certain employees on an as needed basis as part of specific work assignment.

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	by, other persons who can obtain economic value from its disclosure or use.			
Transportation Service Data	Personal, medical, financial, familial or locational information pertaining to applicants for or users of services providing transportation for the disabled or elderly.	Private	MS 13.72, subd. 10	Certain employees on an as needed basis as part of specific work assignment.

Exhibit C

RIGHTS OF SUBJECTS OF GOVERNMENT DATA SAMPLE "TENNESSEN WARNING"

In accordance with the Minnesota Government Data Practices Act (MGDPA), the City of Red Wing is required to inform you of your rights as they pertain to the information collected about you. Public information is data that is not classified by state statute, federal law or temporary classification as either private or confidential. It is accessible to anyone for any reason. All government data is presumed to be public unless a specific state or federal law classifies it otherwise. Private information is that information which is available to you, not the public. The information we collect from you is either public or private. The separation of that information is as follows:

PUBLIC - Name; city of residence; education and training; employment history; volunteer work; awards and honors; prior government service; and veteran status.

After an individual is appointed to a public body, the following additional items of data are public: residential address, either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee; first and last dates of service on the public body; the existence and status of any complaints or charges against an appointee; and upon completion of an investigation of a complaint or charge against an appointee, the final investigation report, unless access to the data would jeopardize an active investigation.

PRIVATE - All other information collected at the time of the application.

The information collected and required from you is to determine your eligibility for a City of Red Wing Board and Commission position. If you do not supply the required information, the City of Red Wing will not be able to determine your eligibility. The dissemination and use of the private data we collect is limited to that necessary for the administration of Board and Commission positions. Persons or agencies with whom this information may be shared include:

CITY AND COUNTY PERSONNEL INVOLVED IN DETERMINING YOUR ELIGIBILITY, CITY COUNCIL MEMBERS TO APPROVE THE APPLICATION, CONTRACTED PUBLIC AUDITORS AND THOSE INDIVIDUALS TO WHOM YOU GIVE YOUR EXPRESS WRITTEN PERMISSION.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information private.

You have the following rights under the MGDPA: The right to see and obtain copies of the data maintained on you, the right to be told the contents and meaning of the data, and the right to contest the accuracy and completeness of the data. To exercise these rights, contact Administration, Second Floor, City Hall, Red Wing, MN, 55066.

I have read and understand the above information regarding my rights as a subject of government data.

(Signature of Applicant)

(Date)

CONSENT TO ADDITIONAL DISCLOSURE

I understand and agree that, if my application is selected for consideration by the City Council, all of the data contained in my application materials and provided to the City in support of my application will be published in the City Council packet and will be made available to the public, with the exception of my address, email address, and phone numbers. I consent to the disclosure of all the data in my application materials, regardless of whether that information would otherwise be deemed private under the Minnesota Government Data Practices Act, with the exception of my address, email address, and phone numbers.

(Signature of Applicant)

(Date)

Exhibit D

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Red Wing ("City") to release
(print name)
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:

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

Responsible Authority/Designee: _____

Exhibit E

INFORMATION DISCLOSURE REQUEST

Minnesota Government Data Practices Act

A. Completed by Requester

NOTE: 1. Request Frequency – Private Data on Individuals. After you have been given the data and informed of its meaning, the data need not be disclosed to you six months thereafter unless a dispute or action is pending or additional data on you has been collected.

2. You may be required to pay the actual costs of making, certifying and/or compiling the copies of information requested.

REQUESTER NAME (Last, First, M.): _____	DATE OF REQUEST: _____
STREET ADDRESS: _____	PHONE NUMBER: _____
CITY, STATE, ZIP: _____	EMAIL ADDR: _____
SIGNATURE: <u> X </u>	
DESCRIPTION OF THE INFORMATION REQUESTED: _____	

B. Completed by Department

DEPARTMENT NAME: _____	HANDLED BY: _____
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NONPUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NONPUBLIC <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) <i>No charge for 10 pages or less (to person not subject of data)</i>	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 REQUEST APPROVED OR DENIED: _____
X	

Requested by: _____ Subject of Data _____ Not Subject of Data

Exhibit F

RED WING POLICE DEPARTMENT
ROGER D. POHLMAN, CHIEF OF POLICE
REQUEST FOR POLICE DATA

DATE OF REQUEST: _____

IF THE DATA YOU ARE REQUESTING IS ABOUT YOU OR IS PRIVATE DATA ABOUT YOU:

To request data as a data subject or private data about you, we will require you to show a valid state ID, such as a driver's license, military ID or passport as proof of identity.

IF THE DATA YOU ARE REQUESTING IS PUBLIC:

You do not have to provide any of the below contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, we may have to contact you.

NAME OF REQUESTOR:

(LAST) (FIRST) (MIDDLE)

ADDRESS:

(STREET) (CITY) (STATE) (ZIP)

PHONE #: _____ EMAIL ADDRESS: _____

SIGNATURE OF REQUESTOR: _____

INFORMATION REQUESTED: Describe the data you are requesting as specifically as possible; i.e. names, dates of birth; type of incident; date of incident; case number if known, etc.

(PLEASE COMPLETE BACK SIDE ALSO)

PLEASE INDICATE HOW YOU WOULD LIKE TO RECEIVE THE REPORT(S):

- WILL PICK UP REPORT(S) AT THE POLICE DEPARTMENT
- MAIL TO ADDRESS INDICATED ABOVE

EMAIL TO ADDRESS INDICATED

MAIL TO DIFFERENT ADDRESS: _____

This form can be delivered to the Red Wing Police Department, FAXED or mailed.

Red Wing Police Department ATT: Records
430 West 6th Street
Red Wing, MN 55066
FAX: 651-267-2695 or 651-267-2669

Please NOTE the Red Wing Police Department may take up to ten days to respond to this request. A fee may be applicable for copies of reports.

DEPARTMENT USE ONLY:

IDENTIFICATION VERIFIED IF APPLICABLE: DL STATE ID MILITARY ID

PASSPORT OTHER (explain) _____

DATE REQUESTOR PICKED UP REPORT OR DATE MAILED/EMAILED: _____

INCIDENT NUMBER(S) OF REPORTS RECEIVED:

COST OF REPORT IF APPLICABLE:

REQUEST PROCESSED BY: _____
Signature

Exhibit G

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. **AUTHORIZATION.** City of Red Wing ("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 purposes:

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

The Requesting 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 Requesting Party has requested the City to prepare summary data and will
pay 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.

Data contained in files, records, microfilm, or other storage media maintained by the City
are the City's property and are not to leave the City's custody. The Authorized Party
agrees not to make reproductions of any data or remove any data from the site where it is
provided, if the data can in any way identify an individual.

No data which is not public and which is irrelevant to the purpose stated above will ever
be disclosed or communicated to anyone by any means.

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

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

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

AUTHORIZED PARTY: _____

By: _____

Date: _____

Title (if applicable): _____

CITY OF RED WING

By: _____

Date: _____

Its: _____

Exhibit H

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 administer the data consistent with the Minnesota Government Data Practices Act and to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Contractor will not release or disclose the contents of data classified as not public to any person unless it is part of litigation and then it can be released to the Court after approval by the City Attorney. 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 I

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 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: _____

(title)

Request to Withhold Information

I request that the following information: _____

Be withheld from: _____

For these reasons: _____

Date: _____ Print Name: _____

Signature: _____

Exhibit J

RED WING PUBLIC LIBRARY REGISTRATION

If you need this information in another format (large print, Braille, etc.) please ask library staff or call (612) 385-3673 v/tdd at least 3 days in advance

Name

First Middle Last

Home Phone (____) _____ Work Phone (____) _____

Address/City

State _____ County _____ Zip Code _____

I live inside my town or city limits: Yes _____ No _____

Birth Date _____ ID # _____

Identification which verifies current address; if a driver's license is not current, a second form of verification is required (personal check, rental receipt, etc.)

The information requested is required to support library service. By Minnesota law information which links your name with library materials is considered private. Information from this registration form, other than your name, is also private, available only to you and to appropriate library personnel, and by those otherwise authorized by law. If you are under age 18, information about your library record is available to your parents and/or guardian unless you ask to have this information withheld by filling out a Data Privacy Request Form and if it is determined that withholding this information is in your best interest.

I agree to obey all rules established by the library, to pay promptly all overdue fines charged to this card, to pay for damaged and lost items, and to give immediate notice of any change of address or loss of card. I understand that this library card must be in good standing in order to receive library services.

SIGNATURE _____

PARENT'S OR GUARDIAN'S SIGNATURE: _____

(If applicant is under 13 years of age, a parent or guardian must also sign here and include parent/guardian identification as listed above.)

FOR STAFF USE ONLY: A J T H D W W3 W6

REPLACEMENT CARD _____

NEW REGISTRATION _____

LIBRARY CARD # _____

STAFF INITIALS _____

DATE _____

Exhibit K

**DATA PRIVACY WITHHOLDING REQUEST FORM
RED WING PUBLIC LIBRARY**

If you need this information in another format (large print, Braille, etc.) please ask library staff or call (612) 385-3673 at least 3 days in advance

I have been informed that under the Minnesota Government Data Practices Act, I, as a minor, may request private data about me maintained by the library be withheld from my parent/guardian. I understand that this information will be withheld if it is determined to be in my best interests.

I request the following data about me be withheld from my parent/guardian:

DATA:

Signature of minor: _____ Date: _____

NAME (please print) _____

ADDRESS _____

TELEPHONE _____ BEST TIME TO CALL _____

BIRTHDATE _____
(Month) (Day) (Year)

The Library Director will contact you.

(Signature of Library Director) (Date)

Exhibit L

RED WING LIBRARY *Standards and Guidelines for Automated Library Systems*

DATA PRIVACY STANDARDS AND GUIDELINES

INTRODUCTION

On-line automated systems have brought a kind of instant access to patron information that was normally unavailable to libraries prior to the 1970's. Now library staff routinely have access to information about what patrons have checked out, for example, or what titles they have requested. The availability of this information has expanded questions of data privacy policy from traditional concerns of protecting patrons from unwarranted incursions into their records to everyday situations that can occur wherever automated systems provide access to patron information.

The Data Privacy Standards address issues of data privacy as they relate to library automation. Because automated systems affect many areas of library operations, the standards and guidelines address a wide range of issues affecting patron records, circulation records, and other operations records, but their focus remains privacy vis-à-vis automated systems. They do not attempt to address all library data privacy concerns.

The Data Privacy Standards were written to conform to the Minnesota Government Data Practices Act (see description below). The Minnesota Government Data Practices Act governs data practices of state agencies, political subdivisions, and state-wide systems. While the standards contained herein were written to be consistent with the law, they do not have the force of law. School libraries, libraries of publicly-supported academic institutions, state agency libraries, and other governmental agency libraries should be aware that there are many types of data in addition to library data governed by the law (e.g., educational data, welfare data, medical data, criminal justice data). A library holding educational data, for example, also needs to be aware of the sections of the law governing such data.

The Minnesota Government Data Practices Act is often vague and many of its provisions are untested in the courts. Librarians responsible for creating and implementing data practices should obtain legal advice on all proposed policies and procedures. These standards and guidelines should not be used as a substitute for legal counsel.

The Minnesota Government Data Practices Act requires that each political subdivision appoint a person called a "responsible authority" for matters relating to data privacy. (Minnesota Statutes 1996, Section 13.02, Subdivision 16). Since legal opinion concerning implementation of the Act will vary, libraries should consult their responsible authority, as well as their local legal authorities, concerning interpretation of and compliance with the Act.

The Office of Library Development and Services, Minnesota Department of Children, Families and Learning, can also offer assistance to libraries as to the current interpretations of this act.

BACKGROUND: THE MINNESOTA DATA PRACTICES ACT

The Minnesota Government Data Practices Act (Minnesota Statutes 1996, Chapter 13) was initially enacted in 1979. It, along with Chapter 1205 of the Department of Administration Rules, governs data practices of “state agencies, political subdivisions, and statewide systems” (Minnesota Statutes, Sec. 13.01, Subd. 1). The Minnesota Government Data Practices Act covers a wide variety of data (personnel, licensing, welfare, health, etc.) in addition to library data. Section 13.40 deals specifically with library data. Provisions and definitions of particular application to libraries include:

1. Public vs. private data.

“Except as provided in paragraph (b), the following data maintained by a library are private data on individuals and may not be disclosed for other than library purposes except pursuant to a court order: (1) data that link a library patron’s name with materials requested or borrowed by the patron or that link a patron’s name with a specific subject about which the patron has requested information or materials; or (2) data in applications for borrower cards, other than the name of the borrower.” (Minnesota Statutes 1996, Sec. 13.40, Subd. 2 (a) (1))

2. Pick Up of Reserves.

“A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.” (Minnesota Statutes 1996, Sec. 13.40, Subd. 2 (b))

3. Private data on individuals.

“*Private data on individuals* means data which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the subject of the data.” (Minnesota Statutes 1996, Sec. 13.02, Subd. 12)

4. Relationship of minors to parents/guardians.

“*Individual* means a natural person. In the case of a minor or an incapacitated person, *individual* includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.” (Sec. 13.02, Subd. 8) “Minor” means an individual under the age of 18 (Minnesota Statutes 1996, Sec. 645.451, Subd. 2)

5. Information required to be given individual, upon request for private or confidential data.

“An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision, or statewide system; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. (Sec. 13.04, Subd. 2)

DATA PRIVACY STANDARDS

1. Libraries should have written policies and procedures regarding data privacy and should make (and keep) all staff and volunteers familiar with such policies and procedures.
2. If a library allows its patrons unsupervised access to private data in a patron's own record, procedures should be adopted to ensure that access to that record cannot be obtained by others without the patron's consent.
3. A library should allow another agency within the institution or another library access to its patron records only if the individual from whom private data was collected was informed of that use/dissemination in the “Tennessee warning” given when the data was initially collected and if that agency or library agrees in writing to treat the data in those records in a manner consistent with standards and with the written policies and procedures of the library concerning data privacy.
4. In the case of shared library systems where staff at several libraries have access to the same private data, participating libraries should jointly formulate a set of standards and procedures concerning access to private data.
5. If a library petitions the appropriate authority to broaden or otherwise alter the definition of private data, a copy of that petition should be sent to the Minnesota State Library so that the Library can make the MINITEX/Minnesota State Library Standards Task Force aware of what changes are being proposed.
6. These data privacy standards should be followed by all libraries in Minnesota and they should apply to all persons using Minnesota libraries, regardless of their home residency.
7. All data privacy policies and procedures shall be consistent with all applicable state and federal laws.

DATA PRIVACY IMPLEMENTATION GUIDELINES

The following general guidelines are intended to help libraries develop data privacy policy and procedure as it concerns library automation. They describe areas that libraries should review for compliance with the Minnesota Government Data Practices Act.

1. Identification.

In summary, the Minnesota Government Data Practices Act requires that private data (the specific titles and subjects charged to or requested by a library user and data in application for library cards, except the person's name) is to be made available only to the subjects of that data. In the case of minors or individuals adjudged mentally incompetent, private data is also available to their parents or guardians. This legal requirement should be addressed wherever private data is handled at reference, circulation, and technical service areas.

A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

Registration procedures for library cards must give the patron the option of having reserved materials released only to them.

Particularly at circulation desks, the issue is how to develop workable procedures for handling patron requests, in person and over the telephone, for circulation information. ("What do I have checked out? What does my son?" "I got this overdue notice and ...") Given the specific situation at your library, what kind of patron identification can be reasonably required for staff to provide data with confidence?

2. Providing public data.

Anyone can request, and libraries must provide, library data classified as public. It is prudent to ask for and keep only what patron information the library needs for its operation. Public data could be requested and used for purposes you don't intend.

Note: The rules governing the Minnesota Government Data Practices Act state that a "reasonable fee" can be charged for providing copies of public data, taking into account the cost of materials, labor, mailing, electronic transmissions, and other costs. A citizen who wants to only inspect public data cannot be charged any kind of fee for that inspection. (Minnesota Statutes 1996, Section 13.03, Subdivision 3)

3. Data trails.

Libraries should examine data trails left where private data has been gathered, to eliminate the possibility of its being accessible to non-authorized persons. For example, how are the following recorded, maintained, and disposed of: reserve

forms, subject request forms, on-line database search requests and results, ILL forms, notices mailed or otherwise delivered to patrons, manual charge cards?

It should be noted that any charge out procedure that requires a patron to sign his or her name on a card containing the title or call number for the charged material is illegal if that same card is subsequently accessible to another person, and would constitute a disclosure of private data to the public.

4. Public notification concerning private data.

4.1 According to the Minnesota Data Practices Act, minors have a right to request that private data be withheld from their parents or guardians and they must be informed of that right. (This requirement is sometimes referred to as “minor notification.”) Notification should be provided and procedures should be established to handle such a request, including making determinations as to whether honoring a request is in the “best interest” of the minor.

4.2 According to the Minnesota Government Data Practices Act, library users must be informed of what private data is being collected, its uses and disposition (sometimes referred to as the “Tennessee warning”).

Here is a **SAMPLE** public notification, combining Tennessee warning and minor notification:

“The information requested is required to support library service. By Minnesota law, information you provide in applying for a library card, except your name, as well as information which links your name with library materials is private. It is available only to you and to appropriate library personnel, and by those otherwise authorized by law. This information is required to support library service. If you are under age 18, information about materials requested or kept overdue is available to your parent or guardian. You may ask to have this information withheld by filling out a data privacy request form. However, we can only withhold this data from your parents if it is in your best interest to do so.”

4.3 The laws concerning criteria for guardianship are not clear-cut. Consult your legal counsel in drafting guidelines with regard to whom guardianship notification applies.

5. Training and documentation.

Library policy regarding data privacy should be written, approved by appropriate governing bodies, and distributed to staff. Ongoing training programs should ensure staff awareness of this policy and their role in upholding it.

Here is a **SAMPLE** library board policy:

“Library records linking the names of library users with specific library materials or subjects as well as information in applications for borrowers cards, other than the name of the borrower are private by law in Minnesota and may not be disclosed for other than library purposes except pursuant to a court order. All Library employees are advised that such records shall not be made available to any agency of state, federal, or local government except pursuant to such a court order as may be issued under the authority of and pursuant to federal, state, or local law relating to civil, criminal, or administration discovery procedures or legislative investigative power. The Library will resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.”

6. Statement III from the American Library Association Code of Ethics, 1995.

The ALA Code of Ethics, 1995 refers to data privacy as follows:

“We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.”

7. Classification of library data as public or private.

While the law defines private library data (Section 13.40 of the Minnesota Statutes), public institutions have the right and the ability to make application to the State Commissioner of Administration to classify other data maintained by libraries as not public.

Such petitions should also be forwarded to the Minnesota State Library at the address below prior to submission so that the State Library and the MINITEX/ Minnesota State Library Standards Review Task Force can be kept aware of emerging data privacy issues. The State Library can also offer technical help for reclassification efforts.

Minnesota State Law Library
1500 Highway 36 West
Roseville, MN 55113
651-582-8791

ANOTHER INFORMATION RESOURCE

Additional information about privacy as it pertains to information about students is included: *Privacy and the Handling of Student Information in the Electronic Networked Environments of Colleges and Universities (Cause, 1998)*, which may be borrowed from the Minnesota State Library or the MINITEX Office.