

# CITY OF ROCHESTER ORGANIZATIONAL POLICY

## DATA PRACTICES POLICY

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### Purpose

The purpose of this policy is to effectively ensure compliance with the Minnesota Government Data Practices Act (MGDPA) which balances the right of the public to access data collected and maintained by the City while protecting other designated information from indiscriminate disclosure.

### Responsible Authority, Compliance Official and/or Designees

The City Council has appointed the City Clerk as the Responsible Authority and the City Attorney as Compliance Official for purposes of the MGDPA. The Compliance Official is the designated employee of the government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices concerns. The phrase "Responsible Authority or a designee" used in this policy means the person responding to a MGDPA request for the City.

### Data Accessible to the Public

"Government data" means all data collected, created, received, maintained or disseminated by the City regardless of its physical form, storage media or conditions of use. Government data is public data and is generally accessible by the public according to the terms of the MGDPA, unless it is specifically classified differently by the MGDPA or other law, and may be subject to a fee (see Fee Section). The MGDPA classifies categories of government data that are not generally accessible to the public as follows:

- A. Confidential data on individuals is inaccessible to the public or to the individual subject of the data.
- B. Private data on individuals is inaccessible to the public, but is accessible to the individual subject of the data.
- C. Protected non-public data is data *not on individuals* that is inaccessible to the public or the subject of the data, if any.
- D. Non-public data is data *not on individuals* that is inaccessible to the public, but accessible to the subject of the data, if any.

If data is determined to be inaccessible to the requesting party, refer to the Data Accuracy/Security Safeguards section of this policy.

### Access Procedures

Procedures for responding to requests for access to government data vary depending on the classification of the data requested and the person making the request. The Responsible Authority or a designee must determine:

- (1) whether the City maintains the data requested. The City is not required to provide data it does not maintain or to produce data in a new format.
- (2) the statutory category of data requested in order to respond appropriately according to MGDPA requirements.

Classifications for "not public data" (data classified as private, confidential, or non-public data) under Minnesota Statute §13.02, Subdivision 8a, maintained by the City are attached to this policy as Exhibit A. Responses for data requests should follow the protocol below depending on the category of data.

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### A. Public Data

All Government data is public data unless it is specifically given a different classification by statute or law. Any person has the right to inspect and copy public data and receive an explanation of its meaning. The person is not required to provide identification or a reason for the request.

Requests for public data may be oral or written. Staff may ask requesters to utilize the City's data disclosure request form or to provide the same information in some other format. The City should consult with legal counsel on any request related to litigation.

Requests will be received and processed during normal business hours and the information supplied as soon as reasonably possible.

"Summary data" means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable. Unless otherwise classified by MGDPA, another statute, or federal law, summary data is public and must be provided on written request. Summary data is subject to the following procedures: (1) the Responsible Authority or a designee must prepare summary data by redacting, by any reasonable means, data that identifies any individual; (2) the Responsible Authority or a designee must inform the requesting party of the approximate timeframe from preparing the summary data and the reason for any delay; (3) all costs for preparation must be paid by the requesting party. The Responsible Authority may authorize an outside agency or person to prepare summary data if the specific purpose is given in writing, the outside agency or person agrees not to disclose the private or confidential data; and the Responsible Authority determines that access by the outside agency or person will not compromise the privacy or confidentiality of the data.

### B. Confidential and Protected Non-public Data

Data within these two classifications is *not accessible* and should not be provided to members of the general public (even if the requestor is the subject of the data) under any circumstances. Confidential data may be provided only to the following: (1) persons authorized by federal, state, or local law or court order whose identity is disclosed in a valid Tennessen Warning or (2) City staff, City Council members, or outside agents (e.g. attorneys) whose work assignments or responsibilities reasonably require access.

In limited cases where such data is accessible, a written request is required unless waived by the Responsible Authority or a designee. Requests will be received and processed during normal business hours and the information supplied as soon as reasonably possible.

### C. Private Data on Individuals and Non-public Data

Private data on individuals and non-public data may be accessed only by the subject of the data; a person given access by written consent of the subject of the data; persons authorized by federal, state, or local law or court order whose identity is disclosed in a valid Tennessen Warning or City staff, City Council members, or outside agents (e.g. attorneys) whose work assignments or responsibilities reasonably require access. Private data on individuals relating to juveniles is subject to special handling (note below); as is trade secret and security information as determined by the Responsible Authority (refer to the Data Accuracy/Security Safeguards section of this policy).

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All requests for private data on individuals and non-public data must be in writing on a data disclosure request form (see Exhibit A) unless waived by the Responsible Authority or a designee. The Responsible Authority or a designee must verify the identification of the requestor through personal knowledge, presentation of written identification, or other reasonable means. The City should consult with legal counsel on any request related to litigation.

Requests will be received and processed during normal business hours. The response must be provided immediately or, in the event an immediate response is not possible, within ten working days. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual again for six months unless a dispute or action pursuant to MGDPA requirements arises or additional data on that individual is collected.

### 1. Data on Juveniles

Private data on individuals under the age of 18 is subject to special handling.

When requesting private data on individuals from juvenile subjects, the Responsible Authority or a designee must notify the subject of the data that they may request that the private data be withheld from their parent or legal guardians, stating reasons for the request. This notice must be given in addition to a Tennesen Warning.

In addition to the individuals listed above (C/first paragraph), a parent or legal guardian, or an individual acting as a legal guardian in the absence of a parent or legal guardian, generally may access private data on individuals who are under the age of 18. This access is presumed unless the Responsible Authority or a designee has evidence (in the form of a federal or state law, court order, or other legally binding document) that such access should be denied; or the juvenile has requested that such access be denied and the Responsible Authority or a designee determines that access should be denied based on the following criteria: the juvenile is of sufficient age and maturity to explain the reasons given for the denial and to understand the consequences, reasonable grounds support the reasons given, denial of access may prevent physical or emotional harm to the juvenile, if the data involves medical, dental or other health services provided under Minnesota Statute §144.341 et seq., in which case the data may be released only if the failure to disclose the data to the parent or legal guardian would seriously jeopardize the health of the juvenile.

### Denial of Access to Data

In the event the Responsible Authority or a designee determines that requested data, of whatever classification, is not accessible to the requesting party, the Responsible Authority or a designee must inform the requesting party orally at the time of the request or in writing as soon thereafter as possible. If a written denial is provided, the documentation should include the specific legal authority for the denial.

### Fees

The City will not charge a fee for the time it takes to separate public data from private, non-public, or confidential data (i.e. redaction).

A fee will not be charged for the inspection of government data. Inspection includes the individuals' ability, through their own devices, to photograph or copy a document without removing it from City offices or damaging or defacing it in any manner.

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If, either before or after inspection, a requesting party wishes to have government data reproduced and/or transmitted to any location outside of City offices, fees will be charged for that service as permitted by the MGDPA:

Single-Sided, Black and White, Letter or Legal Size Documents

1-100 pages	\$.25/page
101 or more pages	Actual Cost

The actual cost for copies (1-100 pages) includes the cost of searching for and retrieving the data, including the cost of employee time, and for making, certifying, and electronically transmitting copies of the data and/or mailing copies of the data and other production expenses (e.g. microfilm, recording systems, or use of computers) as requested.

1. **Data with Commercial Value.** If a request involves copies of Government Data that have commercial value and is a substantial or discreet portion of an entire pattern, program, device, method, technique, process, data base, or was otherwise developed by the City with significant expenditure of public funds, the Responsible Authority shall determine a reasonable fee to be charged in addition to other fees for copies and transmission. Upon written request, the Responsible Authority will provide documentation sufficient to explain the additional fee.
2. **Data Subject to Third-Party Copyright.** Data that is or may be subject to a copyright claim (e.g. building plans) cannot be copied by the City and provided to any third party. If such data is otherwise public, it can be provided for inspection upon request, but cannot be copied.
3. **All other copies.** For other than single-sided, black and white, letter or legal size documents, the charge will be the actual cost of copying.
4. **City may require Prepayment.** The City, in the discretion of the Responsible Authority or a designee, may require the requesting party to prepay any fees associated with a request for copies or transmission.

### Data Collection

Collection and storage of data on individuals is limited to that necessary for the administration and management of programs specifically authorized by the City Council, state legislature, or federal government. When an individual is asked to provide that individual's private or confidential data, the Responsible Authority or a designee must give that individual a Tennessee Warning, either separately in writing or as part of another written form. A Tennessee Warning is not required when a law enforcement officer requests data during an investigation.

### Data Accuracy and Security Safeguards

#### Data Accuracy

In order that government data be kept in the most accurate and current state practicable, the following guidelines should be followed:

1. All City employees must provide, on an annual basis, updated personal data to supervisors and Human Resources for tax purposes, insurance coverage, emergency notifications, and other personnel-related reasons.
2. Employees providing private or confidential data are encouraged to provide updated data as appropriate.

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3. Department supervisors should periodically review forms used to collect personal data to comply with MGDPA requirements and to clarify or remove any ambiguities.

### Challenges to Data Accuracy

An individual who is the subject of Government Data may contest the accuracy or completeness of that data by notifying the Responsible Authority in writing describing the nature of the disagreement. Within thirty days, the Responsible Authority must review the data in question and respond by either correcting data found to be inaccurate or incomplete and attempting to notify past recipients of the inaccurate or incomplete data, including recipients named by the individual; or (notifying the individual that the Responsible Authority believes the data to be accurate. An individual who is dissatisfied with the Responsible Authority's response may appeal the matter to the Commissioner of the Department of Administration, utilizing the contested case procedures in Minnesota Statute Chapter 14.

### Data Security

1. City staff must pay careful attention to and abide by the City's Records Retention Schedule, disposing of records as appropriate.
2. Private, non-public, and confidential data must be stored in secure files or databases which are not accessible to unauthorized personnel pursuant to Minnesota Statute §13.05, Subdivision. 5. The Responsible Authority or a designee should instruct authorized personnel to (1) not discuss, disclose or otherwise release private, non-public, or confidential data to personnel who are not authorized to access such data; (2) protect access to private, non-public, or confidential data in their possession; (3) shred private, non-public, or confidential data prior to discarding it or dispose of it in confidential locked recycling. The City conducts ongoing security checks and must complete, at least annually, a comprehensive assessment of security of the private, non-public, and confidential data maintained.
3. Private, non-public, and confidential data should be kept within City offices at all times unless necessary for off-premises City business.
4. Contracts with outside entities that involve the use or access to private, non-public, or confidential data must include language intended to insure compliance with MGDPA requirements.

### Trade Secrets and Security Information

Trade secret and security information (e.g. plans for alarm systems, vaults, sprinkler systems, security protocols) is non-public data. The Responsible Authority, in consultation with legal counsel as necessary, will determine whether particular information qualifies as Trade Secret or Security Information according to the following definitions:

1. Trade secret information is government data that includes a formula, pattern, compilation, program, device, method, technique, or process that is (1) supplied by an individual or organization; (2) subject to efforts by the individual or organization to maintain secrecy of the information; and (3) derives independent actual or potential economic value by not being known to or accessible to the public through lawful means.
2. Security information is government data the disclosure of which would be likely to substantially jeopardize the security of the information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. Security information includes crime preven-

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tion block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers.

### Contracts with Private Entities

If the City enters into a contract with a private person to perform any of the City's functions, all of the data created, collected, received, stored, used, maintained, or disseminated by such private person in performing those functions is subject to the requirements of Minnesota Statute §13.01 et seq. and such person must comply with the requirements as if he or she were a government entity. All such contracts must include a notice that the requirements of Minnesota Statute §13.01 et seq. apply to the contract.

### Procedures in the Event of Unauthorized Access

This Policy establishes that only those personnel who need to access non-public data do so. In the event of a breach of that requirement, the City is required to notify any individual or entity whose non-public data was wrongfully accessed, to conduct an investigation into the matter, and to prepare a report. Notification must occur in the most expedient time frame possible and must inform the individual or individuals how they can obtain a copy of the report. If the breach involves unauthorized access by an employee, contractor, or agent of the government entity, the report must include at least the description of the type of data accessed, the number of individuals affected, and the final disposition of disciplinary action against any employee determined to be responsible for the breach. See Minnesota Statute § 13.055

### **Legal Requirements**

This Data Practices Policy contains the procedures and forms adopted by the City of Rochester ("City") to comply with the requirements of the Minnesota Government Data Practices Act ("MGDPA"), set forth in Minnesota Statute §13.01 et seq.

Adopted March 2, 2015

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## EXHIBIT A

### GOVERNMENT DATA CLASSIFIED AS NOT PUBLIC (PRIVATE, NON-PUBLIC, OR CONFIDENTIAL)

The following categories and summaries should serve as a guideline for responding to MGDPA requests. Specific questions should be directed to the City Attorney's office.

#### **Personnel Data (Private) Minnesota Statute §13.43**

All data on all individuals who are or were an employee, volunteer, or independent contractor is Private data on Individuals—except the following, which is public data:

- Name
- Actual gross salary
- Salary range
- Contract fees
- Bargaining unit
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job title
- Job description
- Education and training background
- Previous work experience
- Date of first and last employment
- The existence and status (but not nature) of any complaints or charges against the employee, whether or not resulting in discipline
- Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
- Terms of any agreement settling any dispute arising from the employment relationship, including a “buy-out” agreement
- Work location
- Work telephone number
- Badge number
- Honors and awards received
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of medical leave or other not public data
- Employee Number

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

#### **Undercover Law Enforcement Officer Data (Private) Minnesota Statute §13.43, subd. 5**

All data about an individual who is employed as, or is an applicant to be, an undercover law officer is private data on individuals. When the individual is no longer assigned to an undercover position, the data is personnel data

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unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

### **Applicant Data (Private) Minnesota Statute §13.43, subd. 3**

Data about current and former applicants for City employment is private data on individuals—except the following, which is public data:

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

### **Applicants for Appointment to a Public Body (Private) Minnesota Statute §13.601**

Data about applicants for appointment to a public body that are collected as a result of the applicant's application, including contact information, is private data on Individuals—except the following, which is public data:

- Name
- City of residence (unless the appointment has a residency requirement that requires the entire residence address to be public)
- Education
- Training
- Employment history
- Volunteer work
- Awards and honors
- Prior government service
- Once an individual is appointed to a public body, the following additional data are public:
- Residential Address
- A telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee

### **Real Property Complaint Data (Confidential) Minnesota Statute §13.44**

The identity of any individual who register complaints concerning violations of state laws or local ordinances concerning the use of real property is confidential data on Individuals.

### **Security Information (Non-public) Minnesota Statute §13.37, subd. 1(a)**

Government data that, 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 is non-public. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs. This also includes interior sketches, photos, or plans of buildings where detailed information about alarm systems or similar issues could jeopardize security.

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The Responsible Authority must make a determination regarding all data to be classified as non-public security information.

The location of a National Night Out event is public data.

### **Trade Secret Information (Non-public) Minnesota Statute §13.37, subd. 1(b)**

Government data that includes a formula, pattern, compilation, program, device, method, technique, or process that is (1) supplied by an individual or organization; (2) subject to efforts by the individual or organization to maintain secrecy of the information; and (3) derives independent actual or potential economic value by not being known to or accessible to the public through lawful means is Non-public.

The Responsible Authority must make a determination regarding all data to be classified as non-public trade secret information.

### **Registered Voter Lists and Absentee Ballots (Protected Non-public)**

Minnesota Statute §§ 13.37, 203B.12, and 201.091

Sealed absentee ballots before opening by an election judge are protected non-public. Names of voters submitting absentee ballots are private until the close of voting.

Registered voter lists can only be used for elections, political activities, or law enforcement. The date of birth, portion of a social security number, driver's license number or other identification card number on voter lists cannot be provided on any material available for public inspection.

### **Labor Relations Information (Non-public/Protected Non-public)**

Minnesota Statute § 13.37, subd. 1(c)

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

### **Examination Data (Private or Confidential) Minnesota Statute §13.34**

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

### **Election Officials Correspondence (Private) Minnesota Statute §13.601**

Correspondence between individuals and elected officials is private data, but may be made public data by either the author or any recipient.

### **Housing Agency (HRA) Data (Non-public/ Private) Minnesota Statute §13.585**

Data pertaining to negotiations with property owners regarding the purchase of the property are non-public data. Except the HRA's evaluation of properties that it does not purchase, all other negotiation data becomes public data at the time of the closing of the property sale.

Data pertaining to individuals' income collected for purposes of determining eligibility of property for classification 4d under Minnesota Statute §§273.128 and 273.13 is private data on Individuals. Such data may be disclosed to county and local assessors responsible for determining eligibility of property for classification 4d.

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Law enforcement access to data may be subject to different regulation. Contact the City Attorneys' office for assistance in responding to any such requests.

### **Federal Contracts Data (Private/Non-public) Minnesota Statute §3.35**

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 are classified as private or non-public.

### **Civil Investigation Data (Confidential/Private) Minnesota Statute §13.39**

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

Contact the City Attorneys' office for assistance in responding to any such requests.

### **Appraisal Data (Confidential/Protected Non-public/Public) Minnesota Statute §13.44, subd. 3**

Data on estimated or appraised values of real property made by or on behalf of the City for the purpose of selling or acquiring real property are confidential or protected non-public data. Appraised values of real property obtained by owners who have received from the City an offer to purchase property are private or non-public data.

All such data become public data when (1) submitted to a court-appointed condemnation commissioner; (2) submitted in court during condemnation proceedings; or (3) the parties enter into an agreement for the purchase and sale of the real property.

### **Assessor's Data (Private/Non-public) Minnesota Statute §13.51**

Data on sale sheets from private MLS organizations where the contract with the organization requires that the data not be made available to the public is private data.

The following income property data is private data or non-public data: (a) detailed income and expense figures; (b) average vacancy factors; (c) verified net rentable areas or net usable areas, whichever is appropriate; (d) anticipated income and expenses; (e) projected vacancy forms; and (f) lease information.

Income information on individuals collected for purposes of determining eligibility of property under class 4d (Minnesota Statute §273.128 and 273.13) are private data.

Social security numbers and federal employer identification numbers on Certificates of Value, homestead applications, and other documents is private data.

### **Transportation Service Data (Private) Minnesota Statute §13.72**

Personal, medical, financial, familial or locational information, except the name, of applicants or users of transportation services for the disabled or elderly is Private data.

### **Social Recreational Data (Private) Minnesota Statute §3.548**

The 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 individuals enrolling in recreational or social programs are private data.

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## Law Enforcement and Investigative Data (Confidential/Protected Non-public/Private)

Minnesota Statute §13.80, 13.82 and various other statutes

Data collected under Minnesota Statute §518B.01 (Domestic Abuse Act) are confidential until a temporary court order is executed or served on the respondent in the action.

Audio recordings of 911 calls are private data on individuals with respect to the individual making the call, but a written transcript of the call is public provided it does not reveal the identity of an individual subject to protection under Minnesota Statute §13.82, subd. 17 (e.g. undercover law enforcement officer, victim of criminal sexual conduct, other crime victim or witness requesting anonymity).

Criminal investigative data during an active investigation is confidential or protected non-public. Data on inactive investigations, unless the release of the data would jeopardize an ongoing investigation or reveal the identity of an individual subject to protection under Minnesota Statute §13.82, subd. 17, is public—with the exception of photographs that are clearly offensive to common sensibilities, which are private or non-public data, provided the existence of the photographs is disclosed to individuals requesting the inactive investigation file. An investigation is “inactive” when an agency or prosecuting authority decides not to pursue a case, when the statute of limitations (or thirty years after the offense, whichever comes first) expires, or upon the exhaustion of appeal rights of a person convicted on the basis of the investigative data.

A law enforcement agency can make investigative data public to aid law enforcement, promote public safety, or dispel unrest. Written requests to access data by victims of crimes or alleged crimes must be granted unless the authority reasonably believes that release of data will interfere with an investigation or the request is prompted by a desire by the requester to engage in unlawful behavior.

Investigations involving reports of child abuse or neglect or maltreatment of a vulnerable adult, either active or inactive, are private data on Individuals in cases where the alleged victim is identified. The identity of the reporter of child abuse or neglect is confidential, unless compelled by law. The identity of the reporter of maltreatment of a vulnerable adult is classified as private data on individuals.

Data on court records relating to name changes is confidential during an active investigation and private data on individuals when an investigation is inactive.

Data that uniquely describes stolen, lost, confiscated, or recovered property are private data or non-public data.

Data that identifies customers of pawn shops, scrap metal dealers, or secondhand stores are private data on individuals.

Deliberative process data or data revealing investigative techniques are confidential.

Data presented as evidence in court is public. Arrest data (including booking photographs), requests for service data, and response or incident data is public.

## Human Rights Data (Confidential/Private) Minnesota Statute §13.552, 363A

Human rights investigative data are confidential. The name and address of a charging party and respondent, factual basis of the allegations, and the statute under which the action is brought are private data on Individuals.

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### **Planning Survey Data (Private/Non-public) Minnesota Statute §13.59**

The following data collected in surveys of individuals conducted by the City for the purpose of planning, development and redevelopment are classified as private or non-public: 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.

### **Data on Rentals (Private/Non-public) Minnesota Statute § 13.55**

The following data relating to convention rentals are classified as private and non-public: 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. All rental data is public information when certain conditions are met.

### **City Attorney Data (Confidential) Minnesota Statute §13.393**

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

### **Business Data (Private/Non-public) Minnesota Statute § 3.591**

The following data submitted by a business requesting financial assistance, a license, or other benefit are private or non-public: financial information about the business, including credit reports, financial 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. This data becomes public when assistance, a license, or other benefits are granted, except the following, which remain private or non-public: 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.

### **Proposals and Bids (Private/Non-public) Minnesota Statute § 13.591**

Proposals submitted in response to a Request for Proposals are private or non-public data until the responses are opened. Once opened, the name becomes Public, but all other data remain private or non-public until completion of the selection process. After the process is completed, all remaining data are public with the exception of trade secret data.

Data submitted by a business in response to a Request for Bids are private or non-public data until the bids are opened. Once opened, the name of the bidder and the dollar amount specified in the response become public data. All other data in a bidder's response to a bid are private or non-public data until the completion of the selection process. After the process is completed, all remaining data are public with the exception of trade secret data.

In the event that all responses to a Request for Proposals or a Request for Bids are rejected, information that was private or non-public remains that way until a resolicitation of bids results in completion of the selection process or the process is abandoned. If resolicitation does not occur within one year, the remaining data become public.

### **Municipal Obligation Registers (Private/Non-public) Minnesota Statute §475.55**

Information with respect to the ownership of municipal obligations is private or non-public.

### **Hazardous Materials Data (Private/Non-public) Minnesota Statute §145.94**

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Data relating to exposure to hazardous substances is private or non-public.

### **Auditing Data (Confidential/Protected Non-public) Minnesota Statute §13.392**

Data, notes, and preliminary drafts of audit reports are confidential or protected non-public until the final report is published.

### **Salary/Benefit Survey Data (Non-public) Minn. State. §13.435**

Salary and personnel benefit data purchased from consulting firms is non-public.

### **Social Security Numbers (Private) Minnesota Statute §13.355**

Social security numbers, collected in whole or in part, are private data on individuals.

### **Public Employees Retirement Association Data (Private) Minnesota Statute §13.63**

The home address, date of birth, direct deposit account number, and tax withholding data of individual beneficiaries and survivors of members are private data on Individuals.

### **Electronic Payments, Credit Card and Bank Account Numbers (Private/Non-public)**

Minnesota Statute §13.37

Information that would substantially jeopardize the security of information, possessions, or individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury is private or non-public.

### **Drug and Alcohol Test Results (Private) Minnesota Statute §181.954**

With respect to public sector employees and job applicants, the results of drug or alcohol tests are private data on individuals.

### **Group Auto Self-Insurance Claims Data (Private/Non-public) Minnesota Statute § 471.617**

Claims data, either as to single claims or total claims of an individual, is private or non-public data, except that it may be disclosed to authorized personnel of the City in order to administer a health benefit program.

### **Welfare (Private) Minnesota Statute §13.46**

Generally, welfare data (except summary data) is private data. The welfare data section of the MGDPA, however, has numerous exceptions and special treatment for particular data types and applications. Contact the City attorney for requests involving welfare data.

### **Benefit Data (Private) Minnesota Statute §§ 13.462**

Data on individuals seeking information about becoming an applicant for or a recipient of benefits or services provided, or that is or was an applicant or recipient of such benefits or services, under various housing, home ownership, rehabilitation and community action agency, Head Start, and food assistance programs administered by government entities, with the exception of names and addresses, is private data.

### **Safe At Home Participant (Private) Minnesota Statute §13.045**

Identity and location data on a program participant that are not otherwise classified by law are private data on individuals.

### **Domestic Abuse Data (Confidential) Minnesota Statute §13.80**

## CITY OF ROCHESTER ORGANIZATIONAL POLICY

Data on individuals collected, created, received or maintained by the police department pursuant to the Domestic Abuse Act, section [518B.01](#), are classified as confidential data, pursuant to section [13.02, subdivision 3](#), 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.

### **Personal Contact and Online Account Information (Private) Minnesota Statute §13.356**

Data on an individual collected, maintained, or received for notification purposes or as part of a subscription list for electronic periodic publications as requested by the individual are private data on individuals: (1) telephone number; (2) e-mail address; and (3) internet user name, password, internet protocol address, and any other similar data related to the individual's online account or access procedures.