

# Kittson County

# Data Practices Policy

**Guide for Employees of Kittson County and Members of  
the Public Requesting Information**

This document is required by Minnesota Statutes, section 13.03, subdivision 2(b).

Current Version Adopted December 17, 2013 by  
the Board of Commissioners of Kittson County Minnesota

## **Right to Access Public Data**

The Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a State or Federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

The Data Practices Act also provides that Kittson County must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies. If not otherwise addressed in this policy, the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) will govern the actions of the employees of Kittson County.

## **Classification of Data**

Data on individuals is classified by state law as public, private, or confidential. Data on non-individuals is classified as public, nonpublic and protected nonpublic. See below for definitions.

**Public Data:** We must give public data to anyone who asks; it does not matter who is asking for the data or why.

**Private & Nonpublic Data:** We cannot give private data to the general public, but you have access when the data is about you. In addition, government employees and officials whose work assignments require it also have access to this data as well as other entities as authorized by Minnesota or Federal Statute.

**Confidential & Protected Nonpublic Data:** Neither the public nor you can get access even when the data is about you. Only government employees whose work assignments require it and other entities as authorized by Minnesota or Federal Statute can access this data.

## **How to Make a Data Request**

To look at data or request copies of data that Kittson County keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page 4. You may make your written request for data by mail, email or fax by completing Section A of the Information Disclosure Request form on page 5. Requests a small amount of public data may not require a written request, at the sole discretion of the Responsible Authority or Designee for the department which maintains the data.

If you choose not to use the data request form, your written request should include:

- that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

Kittson County cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

## **How We Respond to a Data Request**

Upon receiving your written request, we will work to process it.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
  - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CDROM) upon request if we keep the data in electronic format. Information about copy charges is on page 4. We also will arrange for you to pre-pay for the copies. Pre-payment of copies is required unless other arrangements are approved by the Department Head or Data Practices Compliance Official for the responding department.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

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

## **Requests for Summary Data**

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. Kittson County will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. Upon receiving your written request – you may use the Information Disclosure Request form on page 5 – we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

## **Copy Costs – Members of the Public**

Kittson County charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). However, when a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the government entity, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the government entity to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged. Minnesota Statutes, section 13.03, subdivision 3(d).

You must pay for the copies before we will give them to you. Pre-payment of copies is required unless other arrangements are approved by the Department Head or Data Practices Compliance Official for the responding department.

- 100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 40¢ for a two-sided copy.
- The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, make copies and prepare copies for delivery is \$25 per hour after the first ½ hour per day.

<b>Data Practices Contacts</b>		
<b>Office</b>	<b>Responsible Authority</b>	<b>Compliance Official</b>
General	Eric Christensen, County Administrator 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2655 echristensen@co.kittson.mn.us	Eric Christensen, County Administrator 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2655 echristensen@co.kittson.mn.us
County Attorney	Roger Malm, County Attorney 271 Birch ST. S; PO Box 790 Hallock, MN 56728 218-843-3686 brinklawn@brinklawn.com	Roger Malm, County Attorney 271 Birch ST. S; PO Box 790 Hallock, MN 56728 218-843-3686 brinklawn@brinklawn.com
Veterans Services	Bob Cameron 410 5 <sup>th</sup> Street South, Suite 210 Hallock, MN 56728 218-843-2198 bcameron@co.kittson.mn.us	Eric Christensen, County Administrator 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2655 echristensen@co.kittson.mn.us
County Recorder	Kristen Hultgren, County Recorder 410 5 <sup>th</sup> Street South, Suite 202 Hallock, MN 56728 218-843-2842 khultgre@co.kittson.mn.us	Eric Christensen, County Administrator 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2655 echristensen@co.kittson.mn.us
Sheriff	Kenny Hultgren, Sheriff 410 5 <sup>th</sup> Street South, Suite 102 Hallock, MN 56728 218-843-3535 kennyhultgren@so.co.kittson.mn.us	Kenny Hultgren, Sheriff 410 5 <sup>th</sup> Street South, Suite 102 Hallock, MN 56728 218-843-3535 kennyhultgren@so.co.kittson.mn.us
Highway Department	Kelly Bengtson 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2686 kbengtson@co.kittson.mn.us	Eric Christensen, County Administrator 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2655 echristensen@co.kittson.mn.us
Social Services	Kathleen Johnson, Director 410 5 <sup>th</sup> Street South, Suite 100 Hallock, MN 56728 218-843-2689 kjohnson@co.kittson.mn.us	Eric Christensen, County Administrator 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2655 echristensen@co.kittson.mn.us
County Assessor	Marian Paulson, County Assessor 410 5 <sup>th</sup> Street South, Suite 206 Hallock, MN 56728 218-843-3615 mpaulson@co.kittson.mn.us	Eric Christensen, County Administrator 410 5 <sup>th</sup> Street South, Suite 214 Hallock, MN 56728 218-843-2655 echristensen@co.kittson.mn.us

# KITTSOON COUNTY DATA/INFORMATION DISCLOSURE REQUEST

## A. Requester Complete, at a minimum, the highlighted sections.

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

1. Requester Name (Last, First, MI)	2. Date of request
3. Parent/Guardian (if applicable – for request for data about minor)	4. Description of Requested Information
5. Mailing Address	
6. City, State, ZIP Code	
7. Phone (if required to advise when data is ready)	<b>8. I am requesting access to the data in the following way:</b> ... Inspection ... Copies ... Both Inspection and Copies  <b>Note: Inspection is free, but there is a charge for copies</b>
9. E-mail address (required for electronic delivery of data)	
10. Requester Signature	

## B. County Department/Division Complete

11. Department:	12. Request Handled By:
13. Request Type: ... In-Person ... Mail ... Fax ... E-mail	14. Request By: ...Subject of Data ...Not the Subject of Data
15. The Information Requested is Classified: ... Public Non-Public Private ... Protected Non-Public ... Confidential	16. Request: Approved ... Denied (explain in #20) Approved in Part (explain in #20)...
17. Identification provided (if request for private data ONLY – see Page 2 for Standard for Verifying Identity)	
18. Authorized Signature:	
19. Remarks/Comments: (If requested data is classified so as to deny access to the requester, cite authority or reason. Also render any other remarks or comments that are appropriate:	
20. Date Completed:	21. Date Notified & by Whom:

## C. Department/Division Complete When Fees are Assessed

(A receipt copy of this form is to be provided to the requester each time money is received.)

22. Fees: Flat Rate	23. Fees: Special Rate  $\frac{\text{_____}}{\text{(# of items)}} \times \frac{\text{_____}}{\text{(Rate Amt.)}} = \text{_____}$	
<b>I have received from the above named, the amount(s) indicated below for providing the information requested.</b>		
24. Total Amount Due \$	Received By:	Today's Date:

**The Minnesota Government Data Practices Act establishes specific rights for individuals who are the subjects of government data, and establishes controls on how entities collect, store, use, and release data about individuals. These rights include:**

- The right to be given a notice (Tennessee warning) when either private or confidential data about the subject are collected from the subject;
- The right to know whether a government entity maintains any data about the subject and how those data are classified;
- The right to inspect, at no charge, all public and private data about the subject;
- The right to have the content and meaning of public and private data explained to the subject;
- The right to have copies of public and private data about the subject at actual and reasonable cost;
- The right to have private or confidential data about the subject collected, stored, used or disclosed only in ways that are authorized by law and that are stated in the Tennessee warning notice; or in ways to which the subject has consented via an informed consent;
- The right not to have private or confidential data about the subject disclosed to the public unless authorized by law;
- The right to consent to the release of private data to anyone; and
- The right to be informed of these rights and how to exercise them within the entity that maintains the data.

**Note:** Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID. Remember that private data may be released only to the individual who is the subject of the date or to their parent (in the case of a minor child) or legal guardian with proper identification. The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as
  - a state driver's license
  - a military ID
  - a passport
  - a Minnesota ID
  - a Minnesota tribal ID
- A **minor individual** must provide a valid photo ID, such as
  - a state driver's license
  - a military ID
  - a passport
  - a Minnesota ID
  - a Minnesota Tribal ID
  - a Minnesota school ID
- The **parent or guardian of a minor** must provide a valid photo ID *and either*
  - a certified copy of the minor's birth certificate *or*
  - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - \* a court order relating to divorce, separation, custody, foster care
    - \* a foster care contract
    - \* an affidavit of parentage
- The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
  - court order(s)
  - valid power of attorney

Appendix 1

## **Classification/Inventory of Data Held by Kittson County**

### **Absentee Ballots**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37, 203B.12 subd.12

DESCRIPTION OF DATA: Sealed absentee ballots before opening by an election judge is nonpublic data as it pertains to data not on individuals and private as it pertains to data on individuals. The names of voters who have submitted an absentee ballot return envelope to the county auditor or municipal clerk may not be made available for public inspection until the close of voting on Election Day.

### **Applicant Information** CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.43.

DESCRIPTION OF DATA: Generally, all data about people who are or were an employee, an applicant for employment, a volunteer, or an independent contractor is private with the following exceptions which are public:

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

### **Applicants to a Public Body**

CLASSIFICATION(S): Public

GOVERNING STATUTE: Minn. Stat. § 13.601

DESCRIPTION OF DATA: Generally, all data about people who are or were an applicant to or an appointed member of a public body is private with the following exceptions which are public:

- \* Name
- \* City of Residence
- \* Education and Training
- \* Employment History
- \* Volunteer Work
- \* Awards and Honors
- \* Prior Government Service

### **Applications for Election or Appointment**

CLASSIFICATION(S): Private / Public

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

Data on applicants collected by Kittson County from the applicant's application is private, except the following is public: name, city of residence, education and training, employment history, volunteer work, awards and honors, and prior government service or experience. Once appointed, the following is public: residential address and either telephone number or email where the appointee may be reached, or both at the request of the appointee.

### **Appointed (Not Elected) Members to a Public Body**

CLASSIFICATION(S): Public

GOVERNING STATUTE: Minn. Stat. § 13.601

DESCRIPTION OF DATA: Generally, all data about people who are or were an appointed, not elected, to a public body is private, with the following exceptions which are public:

- \* Name
- \* City of Residence
- \* Education and Training
- \* Employment History
- \* Volunteer Work
- \* Awards and Honors
- \* Prior Government Service
- \* Residential Address
- \* Either a telephone number or electronic mail address where the appointee can be reached, or both, at the request of the appointee

### **Appraisal Data**

CLASSIFICATION(S): Confidential / Protected Nonpublic / Public

GOVERNING STATUTE: Minn. Stat. § 13.44, subd. 3

DESCRIPTION OF DATA: Appraisals made for the purpose of selling or acquiring land through purchase or condemnation

### **Arson Investigation**

CLASSIFICATION(S): Confidential / Public

GOVERNING STATUTE: Minn. Stat. §§ 13.6905, subd. 26, 299F.055 and 299F.056

DESCRIPTION OF DATA: Information relating to a fire loss or potential fire loss.

### **Assessor's Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.51, 13.4965 subd. 4

DESCRIPTION OF DATA: The following data collected by political subdivisions from individuals or business entities concerning income properties is nonpublic data as it pertains to data not on individuals and private as it pertains to data on individuals:

- \* detailed income and expense figures;
- \* average vacancy factors;
- \* verified net rentable areas or net usable areas, whichever is appropriate;
- \* anticipated income and expenses;
- \* projected vacancy factors; and
- \* lease information.

Income information on individuals collected and maintained by political subdivisions to determine eligibility of property for class 4d under sections [273.128](#) and [273.13](#), is private data as it pertains to individuals.

Assessor's records, including certificates of real estate value, assessor's field cards and property appraisal cards shall be made available to the petitioner for inspection and copying and may be offered at the trial subject to the applicable rules of evidence and rules governing pretrial discovery and shall not be excluded from discovery or admissible evidence on the grounds that the documents and the information recorded thereon are confidential or classified as private data on individuals. Evidence of comparable sales of other property shall, within the discretion of the court, be admitted at the trial.

**Audit Data (provided by State Auditor)**

CLASSIFICATION(S): Protected Nonpublic / Confidential

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

DESCRIPTION OF DATA: Data relating to an audit, examination or investigation performed by the state auditor. Data provided by the state auditor for purpose of review and verification must be protected from unlawful disclosure.

**Benefit Data**

CLASSIFICATION(S): Public/Private

GOVERNING STATUTE: Minn. Stat. § 13.462

DESCRIPTION OF DATA: The names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered by a government entity that are intended to assist with the purchase, rehabilitation, or other purposes related to housing or other real property are classified as public data on individuals. If an applicant or recipient is a corporation, the names and addresses of the officers of the corporation are public data on individuals. If an applicant or recipient is a partnership, the names and addresses of the partners are public data on individuals. The amount or value of benefits, aid, or assistance received is public data. Unless otherwise provided by law, all other benefit data are private data on individuals, and shall not be disclosed except pursuant to court order or to an agent of the government entity, including appropriate law enforcement personnel, who are acting in an investigation or prosecution of a criminal or civil proceeding relating to the administration of a program listed above.

**Child Abuse Report Records**

CLASSIFICATION(S): Confidential / Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6 (b), 13.82, subd. 8 & 9 and 626.556

DESCRIPTION OF DATA: Active or inactive investigative data that identify a victim of child abuse or neglect reported under Minnesota Statutes Section 626.556 are private data on individuals. Active or inactive investigative data that identify a reporter of child abuse or neglect under Minnesota Statutes Section 626.556 are confidential data on individuals, unless the subject of the report compels disclosure under Minnesota Statutes Section 626.556, subd. 11. Investigative data that becomes inactive under Minnesota Statutes Section 626.556, subd.

7 (a) or (b) and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care, as defined in Minnesota Statutes Section 626.556, subdivision 2 are private data.

#### **Civil Commitment Data**

CLASSIFICATION(S):

GOVERNING STATUTE: Minn. Stat. § 253B.185, subd. 1(b)

DESCRIPTION OF DATA: Notwithstanding any provision of Chapter 13, a county attorney considering the civil commitment of a person may obtain records and data from Kittson County upon request and without a court order.

#### **Civil Investigative Data**

CLASSIFICATION(S): Confidential / Protected Nonpublic/ Not public / Public

GOVERNING STATUTE: Minn. Stat. § 13.39

DESCRIPTION OF DATA: Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation.

#### **Computer Access Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.15

DESCRIPTION OF DATA: Data created, collected, or maintained about a person's access to Kittson County's computer for the purpose of: (1) gaining access to data or information; (2) transferring data or information; or (3) using government services.

#### **Corrections Data**

CLASSIFICATION(S): Confidential / Private / Public

GOVERNING STATUTE: Minn. Stat. § 13.85

DESCRIPTION OF DATA: Data on individuals created, collected, used or maintained by a municipal correctional or detention facility, the release of which would disclose medical, psychological, financial or personal information not related to the individual's detainment or which would endanger an individual's life; detention data, the release of which would endanger an individual's life, endanger the effectiveness of an investigation, identify a confidential informant, or clearly endanger the security of any institution or its population.

#### **County Attorney Records**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.393

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

#### **Council Meetings Having Data Classified as Nonpublic**

CLASSIFICATION(S): Private / Public

GOVERNING STATUTE: Minn. Stat. § 13D.05

DESCRIPTION OF DATA: Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed: data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults; active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or educational data, health data, medical data, welfare data or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7.

### **Court Services Data**

CLASSIFICATION(S): Public

GOVERNING STATUTE: Minn. Stat. § 13.84

DESCRIPTION OF DATA: Court services data means data that are created, collected, used or maintained by a court services department, parole or probation authority, correctional agency, or by an agent designated by the court to perform studies or other duties and that are on individuals who are or were defendants, parolees or probationers of a district court, participants in diversion programs, petitioners or respondents to a family court, or juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court. Unless the data is summary data or a statute, the following court services data are classified as private:

- \* Court services data on individuals gathered at the request of a district court to determine the need for any treatment, rehabilitation, counseling, or any other need of a defendant, parolee, probationer, or participant in a diversion program, and used by the court to assist in assigning an appropriate sentence or other disposition in a case;
- \* Court services data on petitioners or respondents to a family court gathered at the request of the court for purposes of, but not limited to, individual, family, marriage, chemical dependency and marriage dissolution adjustment counseling, including recommendations to the court as to the custody of minor children in marriage dissolution cases;
- \* Court services data on individuals gathered by psychologists in the course of providing the court or its staff with psychological evaluations or in the course of counseling individual clients referred by the court for the purpose of assisting them with personal conflicts or difficulties.

Third-party information. Whenever, in the course of gathering the private data specified above, a psychologist, probation officer or other agent of the court is directed by the court to obtain data on individual defendants, parolees, probationers, or petitioners or respondents in a family court, and the source of that data provides the data only upon the condition of its being held confidential, that data and the identity of the source shall be confidential data on individuals.

Probation data. Progress reports and other reports and recommendations provided at the request of the court by parole or probation officers for the purpose of determining the appropriate legal action or disposition regarding an individual on probation are confidential data on individuals.

Private or confidential court services data shall not be disclosed except pursuant to section [13.05](#); pursuant to a statute specifically authorizing disclosure of court services data; with the written permission of the source of confidential data; to the court services department, parole or probation

authority or state or local correctional agency or facility having statutorily granted supervision over the individual subject of the data; pursuant to subdivision 6; or pursuant to a valid court order.

The following court services data on adult individuals is public:

- \* name, age, date of birth, sex, occupation and the fact that an individual is a parolee, probationer or participant in a diversion program, and if so, at what location;
- \* the offense for which the individual was placed under supervision;
- \* the dates supervision began and ended and the duration of supervision;
- \* court services data which was public in a court or other agency which originated the data;
- \* arrest and detention orders, orders for parole or probation revocation and the reasons for revocation;
- \* the conditions of parole, probation or participation and the extent to which those conditions have been or are being met;
- \* identities of agencies, units within agencies and individuals providing supervision; and
- \* the legal basis for any change in supervision and the date, time and locations associated with the change.

A court services agency may release private or confidential data on an active case involving assessment or investigation of actions that are defined as sexual abuse, physical abuse, or neglect under section [626.556](#) to a local welfare agency if:

- \* the local welfare agency has an active case involving a common client or clients who are the subject of the data; and
- \* the data are necessary for the local welfare agency to effectively process the agency's case, including investigating or performing other duties relating to the case required by law.

### **Crime Victim Notice of Release**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 5 (a), 611A.06

DESCRIPTION OF DATA: All identifying information regarding a crime victim, including a victim's request for notice of release and a notice of release made pursuant to Minnesota Statutes Section 611A.06.

### **Criminal History Data**

CLASSIFICATION(S): Private / Public

GOVERNING STATUTE: Minn. Stat. § 13.87

DESCRIPTION OF DATA: Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to Minnesota Statutes Section 13.02, subdivision 12, except that the data created, collected or maintained by the Bureau of Criminal Apprehension that identify an individual who was convicted of a crime, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency and confinement information are public data for 15 years following the discharge of the sentence imposed for that offense. Data maintained in the integrated search service is private. An individual who is the subject of the data may only be provided with (1) a list of government entities that provided public or private data about the individual and (2) data that describes what is maintained about the individual at each government entity on the list.

### **Data Sharing Within Counties**

CLASSIFICATION(S): Private / Public

GOVERNING STATUTE: Minn. Stat. § 13.468

DESCRIPTION OF DATA: County welfare, human services, corrections, public health, and veterans service units within a county may inform each other as to whether an individual or family currently is being served by the county unit, without the consent of the subject of the data. Data that may be shared are limited to the following: the name, telephone number, and last known address of the data subject; and the identification and contact information regarding personnel of the county unit responsible for working with the individual or family. If further information is necessary for the county unit to carry out its duties, each county unit may share additional data if the unit is authorized by state statute or federal law to do so or the individual gives written, informed consent.

### **Criminal History Data – Discharge / Dismissal of Crime**

CLASSIFICATION(S): Not Public

GOVERNING STATUTE: Minn. Stat. § 13.871

DESCRIPTION OF DATA: Data in criminal discharge and dismissal records is classified under Minn. Stat. § 609.3751, subd. 5.

### **Detention Data**

CLASSIFICATION(S): Private / Confidential / Public

GOVERNING STATUTE: Minn. Stat. § 13.85

DESCRIPTION OF DATA: Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in a correctional or detention facility, including a municipal jail or lockup.

### **Domestic Abuse Data** CLASSIFICATION(S): Confidential / Public

GOVERNING STATUTE: Minn. Stat. § 13.80

DESCRIPTION OF DATA: Data on individuals collected, created, received or maintained by police departments pursuant to the domestic abuse act.

### **Domestic Relations/Dispute Data**

CLASSIFICATION(S):

GOVERNING STATUTE: Minn. Stat. § 518.005

DESCRIPTION OF DATA: Information regarding the location of one party in a domestic abuse proceeding may not be released by the public authority to the other party if the public authority has knowledge that a protective order with respect to the other party has been entered; or the public authority has reason to believe that the release of the information may result in physical or emotional harm to the other party.

### **E-Charging Data**

CLASSIFICATION(S): Confidential / Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.871, subd. 11

DESCRIPTION OF DATA: Data created by local law enforcement agencies and maintained by the Bureau of Criminal Apprehension in a statewide, data sharing, electronic charging system. Credentialing data is private protected nonpublic, and auditing, workflow and routing data is confidential protected nonpublic.

### **Elected Officials Correspondence**

CLASSIFICATION(S): Private / Public

GOVERNING STATUTE: Minn. Stat. § 13.601, subd. 2

DESCRIPTION OF DATA: Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient.

### **Emergency Telephone Service**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.202, subd. 6, 403.07, subd. 3 and 4

DESCRIPTION OF DATA: Names, addresses and telephone numbers provided to a 911 or other emergency system.

### **Employee Assistance Information**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.43, subd. 7

DESCRIPTION OF DATA: Results of employee drug and alcohol tests.

### **Employee Drug and Alcohol Tests**

CLASSIFICATION(S): Confidential / Private

GOVERNING STATUTE: Minn. Stat. § 13.43, subd. 5c), 181.954, subd. 2 and 3

DESCRIPTION OF DATA: Results of employee drug and alcohol tests.

### **Employee Data**

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.43.

DESCRIPTION OF DATA: Generally, all data about current and former employees, volunteers, and independent contractors are private with the following exceptions which are public:

- \* Name
- \* Actual gross salary
- \* Salary Range
- \* Contract fees
- \* Actual gross pension
- \* Value and nature of employer paid fringe benefits
- \* Basis for and the amount of added remuneration, including expense reimbursement, in addition to salary
- \* Job title
- \* Job description
- \* Education and training background
- \* Previous work experience
- \* Date of first and last employment
- \* The existence and status (but not nature) of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
- \* Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body
- \* Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- \* Work location

- \* Work telephone number
- \* Badge number
- \* Honors and awards received
- \* Payroll time sheets except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data.

### **Employment and Training Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §13.47

DESCRIPTION OF DATA: Data on individuals collected, maintained, used, or disseminated because an individual applies for, is currently enrolled in, or has been enrolled in employment and training programs funded with federal, state or local resources.

### **Examination Data**

CLASSIFICATION(S): Confidential / Private

GOVERNING STATUTE: Minn. Stat. § 13.34

DESCRIPTION OF DATA: Completed versions of personnel and licensing examinations

### **Federal Contracts Data**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.35

DESCRIPTION OF DATA: All data collected and maintained by Kittson County when required to do so by a federal agency as part of its contract with Kittson County.

### **Financial Disclosure Statements**

CLASSIFICATION(S): Public

GOVERNING STATUTE: Minn. Stat. § 13.601, subd. 1.

DESCRIPTION OF DATA: Financial disclosure statements of elected or appointed officials which, by requirement of Kittson County, are filed with Kittson County are public data on individuals.

### **Foster Care Data**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.467

DESCRIPTION OF DATA: The following data collected, created and maintained by a community action agency in a study of the impact of foster care policies on families are classified as confidential data: names of persons interviewed; foster care placement plans obtained from other public and private agencies; and all information gathered during interviews with study participants.

### **Grants**

CLASSIFICATION(S): Nonpublic / Private

GOVERNING STATUTE: Minn. Stat. § 13.599

DESCRIPTION OF DATA: Data created by state agency providing grants and persons/agencies that apply for or receive grants.

### **Harassment**

CLASSIFICATION(S): Confidential / Private

GOVERNING STATUTE: Minn. Stat. § 13.43 subd. 8

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

### **Health Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.3805, subd. 1

DESCRIPTION OF DATA: Data on individuals created, collected, received or maintained by Kittson County relating to the identification, description, prevention, and control of disease or as part of an epidemiologic investigation designated by the commissioner of health as necessary to analyze, describe or protect the public health.

### **Homeless Persons Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.587

DESCRIPTION OF DATA: Data on individuals from which the identity of any individual receiving emergency services may be determined are private data on individuals.

### **Homestead Applications**

CLASSIFICATION(S): Private

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

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

### **Housing Agency Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.585, subd 4 & 5

DESCRIPTION OF DATA: The following data not on individuals maintained by the housing agency are classified as nonpublic data: all data pertaining to negotiations with property owners regarding the purchase of property. With the exception of the housing agency's evaluation of properties not purchased, all other negotiation data shall be public at the time of the closing of the property sale.

Income information on individuals collected and maintained by a housing agency to determine eligibility of property for class 4d is private data on individuals. The data may be disclosed to the county and local assessors responsible for determining eligibility of the property for classification 4d.

### **Human Services Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.461, 245.467, 256.978

DESCRIPTION OF DATA: The names and addresses of persons receiving mental health services may be disclosed only to county employees who are specifically responsible for determining county of financial responsibility or making payments to providers; and staff who provide treatment services or case management and their clinical supervisors (upon presentation of proper identification).

Child Support Enforcement. Data may be released to the public authority responsible for enforcing child support laws in this state or any other state in order to locate a person or to obtain information necessary to establish paternity and child support or to modify or enforce child support or distribute collections.

### **Identity of Employees Making Complaints**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 181.932, subd. 2; 13.7905, subd. 5(b)

DESCRIPTION OF DATA: The identity of an individual who reports to any governmental body or law enforcement official a violation or suspected violation by the individual's employer of any federal or state law or rule.

### **Internal Competitive Response**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.591, subd. 5, 13.37.

DESCRIPTION OF DATA: A bid or proposal to provide government goods or services that is prepared by the staff of a government entity in competition with bids or proposals solicited by the same government entity from the private sector or a different government entity from the private sector are classified as private or nonpublic until completion of the selection process or completion of the evaluation process at which time the data are public with the exception of trade secret data as defined and classified in Minnesota Statutes Section 13.37.

### **Internal Auditing Data**

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

GOVERNING STATUTE: Minn. Stat. § 13.392

DESCRIPTION OF DATA: Data, notes, and preliminary drafts of reports created, collected and maintained by the internal audit offices of Kittson County or by person performing audits for Kittson County and relating to an audit or investigation; data on an individual supplying information for an audit or investigation, under specified circumstances.

### **Investigative Detention Data**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.86

DESCRIPTION OF DATA: Data created, collected, used or maintained by a municipal correctional or detention facility that, if revealed, would identify an informant who provided information about suspected illegal activities and is likely to subject the informant to physical reprisals by others.

### **Judicial Data**

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

GOVERNING STATUTE: Minn. Stat. § 13.03, subd. 4(e)

DESCRIPTION OF DATA: Judicial branch data disseminated to the county has the same classification in the hands of Kittson County as it had in the hands of judicial branch entity providing it.

### **Labor Relations Information**

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

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

### **Law Enforcement Data**

CLASSIFICATION(S): Private / Confidential / Public/ Non Public

GOVERNING STATUTE: Minn. Stat. §§13.82, 259.10, subd. 2

DESCRIPTION OF DATA: Certain arrest data, request for service data, and response or incident data are public data.

An audio recording of a call placed to a 911 system for the purpose of requesting service from law enforcement, fire or medical emergency agency is private data on individuals, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected under Minnesota Statutes Section 13.82, subdivision 17.

Criminal investigative data collected or created by a law enforcement agency in order to prepare a case against a person for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation is still active.

Photographs that are part of inactive investigative files and that are clearly offensive to common sensibilities are classified as private or nonpublic, provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file.

Data on court records relating to name changes under Minnesota Statutes Section 259.10, subdivision 2 which is held by a law enforcement agency is confidential data on an individual while an investigation is still active and is private data on an individual when the investigation becomes inactive.

Data in arrest warrant indices are classified as confidential data until the defendant has been taken into custody, served with a warrant or appears before the court, except when the law enforcement agency determines that the public purpose is served by making that information public.

Data that uniquely describe stolen, lost, confiscated or recovered property are classified as either private data on individuals or nonpublic data depending on the content.

Financial records of a program that pays rewards to informants are protected nonpublic data in the case of data not on individuals or confidential data in the case of data on individuals.

Data on registered criminal offenders are private data on individuals.

Data in missing children bulletins are public data.

Data that reflect deliberative processes or investigative techniques of law enforcement agencies are confidential data on individuals or protected nonpublic data, provided that information, reports, or memoranda that have been adopted as the final opinion or justification for a decision of a law enforcement agency are public data.

Booking photographs are public data.

Data that would reveal the identity of persons who are customers of a licensed pawnbroker or secondhand goods dealer are private data on individuals.

Data describing the property in a regulated transaction with a licensed pawnbroker or secondhand goods dealer are public.

### **Medical Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.834

DESCRIPTION OF DATA: Medical data are data collected because an individual was or is a patient or client of a hospital, nursing home, medical center, clinic, health or nursing agency operated by a government entity including business and financial records, data provided by private health care facilities, and data provided by or about relatives of the individual.

Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only to the subject of the data and shall not be disclosed to others except:

- \* pursuant to Minn. Stats. § 13.05 and 253B.0921;
- \* pursuant to a valid court order;
- \* to administer federal funds or programs;
- \* to the surviving spouse, parents, children, siblings, and health care agent of a deceased patient or client or, if there are no surviving spouse, parents, children, siblings, or health care agent to the surviving heirs of the nearest degree of kindred;
- \* to communicate a patient's or client's condition to a family member, health care agent, or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise; or as otherwise required by law.

### **Medical Examiner Data**

CLASSIFICATION(S): Public / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.83

DESCRIPTION OF DATA: Unless specifically classified otherwise by state statute or federal law, the following data created or collected by a medical examiner or coroner on a deceased individual are public: name of the deceased; date of birth; date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion; age, if known, or approximate age; identifying marks, scars and amputations; a description of the

decedent's clothing; marital status; location of death including name of hospital where applicable; name of spouse; whether or not the decedent ever served in the armed forces of the United States; occupation; business; father's name (also birth name, if different); mother's name (also birth name, if different); birthplace; birthplace of parents; cause of death; causes of cause of death; whether an autopsy was performed and if so, whether it was conclusive; date and place of injury, if applicable, including work place; how injury occurred; whether death was caused by accident, suicide, homicide, or was of undetermined cause; certification of attendance by physician; physician's name and address; certification by coroner or medical examiner; name and signature of coroner or medical examiner; type of disposition of body; burial place name and location, if applicable; date of burial, cremation or removal; funeral home name and address; and name of local register or funeral director. A county coroner or medical examiner unable during an investigation to identify a deceased individual, may release to the public any relevant data which would assist in ascertaining identity.

Data created or collected by a county coroner or medical examiner which are part of an active investigation mandated by chapter 390, or any other general or local law relating to coroners or medical examiners are confidential data or protected nonpublic data, until the completion of the coroner's or medical examiner's final summary of findings but may be disclosed to a state or federal agency charged by law with investigating the death of the deceased individual about whom the medical examiner or coroner has medical examiner data. Upon completion of the coroner's or medical examiner's final summary of findings, the data collected in the investigation and the final summary of it are private or nonpublic data. The data made nonpublic by this policy are accessible to the physician who attended the decedent at the time of death, the legal representative of the decedent's estate and to the decedent's surviving spouse, parents, children, and siblings and their legal representatives.

All other medical examiner data on deceased individuals are nonpublic and shall not be disclosed except:

- \* pursuant to the provisions of chapter 390, or any other general or local law on county coroners or medical examiners;
- \* to a state or federal agency charged by law with investigating the death of the deceased individual about whom the medical examiner or coroner has medical examiner data; or
- \* pursuant to a valid court order.

Unless a statute specifically provides a different classification, all other data created or collected by a county coroner or medical examiner that are not data on deceased individuals or the manner and circumstances of their death are public.

### **Municipal Bonds Register Data**

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.202, subd. 12, 475.55, subd. 6

DESCRIPTION OF DATA: Data with respect to the ownership of municipal obligations.

### **Peace Officer Discipline Procedures**

CLASSIFICATION(S): Confidential / Private / Public

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6(p), 626.89, subd. 6 and 13.43

DESCRIPTION OF DATA: Investigative report made by a law enforcement agency in connection with a peace officer disciplinary matter; identities of confidential informants in such matters; identities of witnesses expected to testify in disciplinary hearings.

#### **Peace Officer Records on Juveniles**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.875, subd. 2, 260B.171, subd. 5.

DESCRIPTION OF DATA: Peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts.

#### **Peace Officer Reports on Accidents**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 169.09, subd. 13

DESCRIPTION OF DATA: Data collected by law enforcement agencies as required for a report of an accident under Minn. Stat. § 169.09, subd. 8. Data must be disclosed to, upon written request by, individuals involved in an accident or representing the individual's estate, surviving spouse, next of kin, or an appointed trustee, or other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident.

#### **Personal Contact Information**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.356

DESCRIPTION OF DATA: The following data on an individual collected, maintained, or received for notification purposes are private data on individuals:

- \* telephone number;
- \* e-mail address; and
- \* Internet user name, password, Internet protocol address, and any other similar data related to the individual's online account or access procedures

Data provided by an individual for purposes of notification may only be used for the specific purpose for which the individual provided the data.

#### **Personnel and Employment Data**

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.43.

DESCRIPTION OF DATA: Data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a government entity.

#### **Planning Questionnaires**

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.59

DESCRIPTION OF DATA: Names and addresses of individuals and businesses and the legal descriptions of property owned by individuals and businesses, when collected in surveys of individuals conducted by the County for the purposes of planning, development, and redevelopment.

#### **Pleadings**

CLASSIFICATION(S): Public

GOVERNING STATUTE: Minn. Stat. § 13.03, subd. 12  
DESCRIPTION OF DATA: Pleadings in a lawsuit by or against Kittson County.

### **Property Data**

CLASSIFICATION(S): Confidential / Private / Public

GOVERNING STATUTE: Minn. Stat. § 13.44

DESCRIPTION OF DATA: County records pertaining to the ownership and appraisal of real property located within Kittson County is considered public except as follows: Estimated or appraised values of individual parcels of real property that are made by personnel of a government entity or by independent appraisers acting for a government entity are classified as confidential data on individuals or protected nonpublic data for the purpose of selling or acquiring land through purchase or condemnation.

Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from a government entity are classified as private data on individuals or nonpublic data.

The data made confidential, private, or protected nonpublic in the preceding paragraphs become public upon the occurrence of any of the following:

- \* the data are submitted to a court-appointed condemnation commissioner;
- \* the data are presented in court in condemnation proceedings; or
- \* the negotiating parties enter into an agreement for the purchase and sale of the property.

The data made confidential or protected nonpublic under the paragraphs above also become public at the discretion of the government entity, determined by majority vote of the entity's governing body, or, in the case of a state agency, as determined by the commissioner of the agency.

Preliminary and final market value appraisals, which are made by personnel of the county or by an independent appraiser acting on behalf of the county, of personal and intangible property owned by the county, are classified as nonpublic data not on individuals until either (1) a purchase agreement is entered into; or (2) the parties negotiating the transaction exchange appraisals.

### **Protection of Employee or Others**

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.43 subd 11

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

### **Public Safety Data**

CLASSIFICATION(S): Public/Private/Confidential

GOVERNING STATUTE(s): 18 USC § 2721; Minn. Stat. §169.09 subd. 13, 168.346, 171.12 subd. 7(d)

DESCRIPTION OF DATA: Kittson County shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained in connection with a motor vehicle record except as allowed by Minnesota Statute, Minnesota Department of Vehicle Services policy, or under 18 USC §2721.

Vehicle registration data may be released when the use is related to the operation or use of a vehicle or to public safety. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property.

In the case of an accident, the owners of the vehicles involved in an accident shall have the same access to information maintained by the Department of Public Safety, Driver and Vehicle Services Division, about the vehicles, their owners, and their drivers that would have been available to a law enforcement officer reporting on the accident.

See Appendix 3 for a listing of Motor Vehicle/Driver's License Data Classification and Frequently Asked Questions.

### **Registered Voter Lists**

CLASSIFICATION(S): Confidential/Public

GOVERNING STATUTE: Minn. Stat. §§ 13.607, subd. 6; 201.091

DESCRIPTION OF DATA: Information contained in the master list of registered voters.

### **Reports of Gunshot Wounds**

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6 (a), 626.53

DESCRIPTION OF DATA: A report made by a health professional concerning a wound or injury arising from or caused by discharge of a firearm or inflicted by the perpetrator of a crime using a dangerous weapon other than a firearm.

### **Requests for Proposals**

CLASSIFICATION(S): Private/Nonpublic/Not public/Public

GOVERNING STATUTE: Minn. Stat. §§ 13.591, subd. 3(b), 13.37.

DESCRIPTION OF DATA: Data submitted by a business to Kittson County in response to a request for proposals is not public data until the responses are opened. Once the responses are opened, the name of the responder is public. All other data in a response to a request for proposal are private or nonpublic data until completion of the evaluation process. After completion of the evaluation process, all remaining data submitted by responders are public with the exception of trade secret data as classified in Minn. Stat. § 13.37. If all responses to a request for proposals are rejected prior to completion of the evaluation process, all data, other than that made public at the response opening, remain private or nonpublic until a resolicitation of the requests for proposal results in the completion of the evaluation process or a determination is made to abandon the purchase. If rejection occurs after the completion of the evaluation process, the data remains public. If resolicitation of the proposals does not occur within one year of the proposal opening data, the remaining data become public.

**Retirement Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.63

DESCRIPTION OF DATA: The following data on individual beneficiaries and survivors of Public Employment Retirement Association members are classified as private: home address, date of birth, direct deposit account number, and tax withholding data.

**Safe at Home Program Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 5B.07, subd. 1

DESCRIPTION OF DATA: Data on Safe at Home Program participants maintained by local government in conjunction with an active investigation or inspection of health, building or fire codes, or county ordinances.

**Salary Benefit Survey Data**

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.435

DESCRIPTION OF DATA: Salary and personnel benefit survey data purchased from consulting firms, nonprofit corporations or associations or obtained from employers with the written understanding that the data shall not be made public.

**Sealed Bids**

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: Sealed bids, including the number of bids received, prior to opening.

**Security Information**

CLASSIFICATION(S): Private / Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: Data which if disclosed would be likely to substantially jeopardize the security of information possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. 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.

**Service Cooperative Claims Data**

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.203

DESCRIPTION OF DATA: Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through Minnesota service cooperatives to Minnesota political subdivisions and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative

determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

### **Sex Offender HIV Tests**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 5(b), 611A.19, subd. 2

DESCRIPTION OF DATA: Results of HIV tests of sex offenders must be handled in accordance with Minnesota Statutes Section 611A.19.

### **Sexual Assault Crime Victims**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 3(e), 609.3471, 13.822

DESCRIPTION OF DATA: Data that identifies a victim who is a minor, in records or reports relating to petitions, complaints or indictments made for criminal sexual conduct shall not be accessible to the public except by order of the court.

All sexual assault communication data are classified as private data on individuals. Sexual assault communication data means all information transmitted in confidence between a victim of sexual assault and a sexual assault counselor and all other information received by the sexual assault counselor in the course of providing assistance to the victim. The victim shall be deemed the subject of sexual assault communication data.

### **Social Security Numbers**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.355

DESCRIPTION OF DATA: Social security numbers of individuals, whether in whole or in part.

### **Social Security Numbers on Mailings**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.355, subd. 3

DESCRIPTION OF DATA: County may not mail, deliver, or cause to be mailed or delivered an item that displays a Social Security number on the outside of the item or visible without opening the item.

### **Solid Waste Collector Customer Lists**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. §§ 13.7411, subd. 4 (c), 115A.93, subd. 5

DESCRIPTION OF DATA: Customer lists provided to Kittson County by solid waste collectors.

### **Trade Secret Information**

CLASSIFICATION(S): Private/Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: Data, including a formula, pattern, compilation, program, device, method, technique or process: (1) that was supplied by the affected individual or organization; (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy; and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being

readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

### **Undercover Law Enforcement Officer**

CLASSIFICATION(S): Private/Public

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

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

### **Veterans Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.785, 196.08

DESCRIPTION OF DATA: The contents of, and all files, records, reports, papers, and documents pertaining to, any claim for benefits, whether pending or adjudicated, shall be deemed confidential.

No government entity may release the contents of, or any files, records, reports, papers, or documents pertaining to, United States government form DD214 or DD215 or any other certificate of discharge from military service to any person unless that person provides proof of identity, demonstrates tangible interest, and completes the required release form prepared by the government entity. Forms DD214 and DD215 and certificates of discharge from military service filed with a government agency on or after January 1, 2004, are classified as private data on individuals.

The County Veteran's Service Officer is the responsible authority with respect to all records in the officer's custody and is considered private data on individuals.

### **Videotapes of Child Abuse Victims**

CLASSIFICATION(S): Private / Confidential GOVERNING

STATUTE: Minn. Stat. §§ 13.821, 611A.90

DESCRIPTION OF DATA: Videotapes in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse.

### **Vulnerable Adult Report Records**

CLASSIFICATION(S): Private / Confidential

GOVERNING STATUTE: Minn. Stat. §§ 13.871, subd. 6 (l), 626.557, subd. 12(b).

DESCRIPTION OF DATA: Reports made pursuant to Minnesota Statutes Section 626.557 of possible incidents of maltreatment of vulnerable adults; identities of individuals making such reports.

### **Welfare Data**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.46

DESCRIPTION OF DATA:

General Data. Data on individuals collected, maintained, used, or disseminated by the welfare system are private data on individuals, and shall not be disclosed except:

- (1) according to section 13.05;
- (2) according to court order;
- (3) according to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system and an investigator acting on behalf of a county, the state, or the federal government, including a law enforcement person or attorney in the investigation or prosecution of a criminal, civil, or administrative proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to verify an individual's identity; determine eligibility, amount of assistance, and the need to provide services to an individual or family across programs; evaluate the effectiveness of programs; assess parental contribution amounts; and investigate suspected fraud;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) to the Department of Revenue to assess parental contribution amounts for purposes of section 252.27, subdivision 2a, and to administer and evaluate tax refund or tax credit programs and to identify individuals who may benefit from these programs. The following information may be disclosed under this paragraph: an individual's and their dependent's names, dates of birth, Social Security numbers, income, addresses, and other data as required, upon request by the Department of Revenue. Disclosures by the commissioner of revenue to the commissioner of human services for the purposes described in this clause are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited to, the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund and rental credit under section 290A.04, and the Minnesota education credit under section 290.0674;
- (9) between the Department of Human Services, the Department of Employment and Economic Development, and when applicable, the Department of Education, for the following purposes:
  - (i) to monitor the eligibility of the data subject for unemployment benefits, for any employment or training program administered, supervised, or certified by that agency;
  - (ii) to administer any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system;
  - (iii) to monitor and evaluate the Minnesota family investment program or the child care assistance program by exchanging data on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and
  - (iv) to analyze public assistance employment services and program utilization, cost, effectiveness, and outcomes as implemented under the authority established in Title II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999. Health records governed by sections 144.291 to 144.298 and "protected health information" as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code of Federal Regulations, title 45, parts 160-164, including health care claims utilization information, must not be exchanged under this clause;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;
- (11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law 98-527 to protect the legal and human rights of persons with developmental disabilities or other related conditions who live in residential facilities for these persons if the protection and

- advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;
- (12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;
  - (13) data on a child support obligor who makes payments to the public agency may be disclosed to the Minnesota Office of Higher Education to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);
  - (14) participant Social Security numbers and names collected by the telephone assistance program may be disclosed to the Department of Revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;
  - (15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:
    - (i) the participant:
      - (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or
      - (B) is violating a condition of probation or parole imposed under state or federal law;
    - (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and
    - (iii) the request is made in writing and in the proper exercise of those duties;
  - (16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;
  - (17) information obtained from food support applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1 (c);
  - (18) the address, Social Security number, and, if available, photograph of any member of a household receiving food support shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:
    - (i) the member:
      - (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;
      - (B) is violating a condition of probation or parole imposed under state or federal law; or
      - (C) has information that is necessary for the officer to conduct an official duty related to conduct described in sub item (A) or (B);
    - (ii) locating or apprehending the member is within the officer's official duties; and
    - (iii) the request is made in writing and in the proper exercise of the officer's official duty;
  - (19) the current address of a recipient of Minnesota family investment program, general assistance, general assistance medical care, or food support may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;
  - (20) certain information regarding child support obligors who are in arrears may be made public according to section 518A.74;

- (21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;
- (22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;
- (23) to the Department of Education for the purpose of matching Department of Education student data with public assistance data to determine students eligible for free and reduced-price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;
- (24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;
- (25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;
- (26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;
- (27) to monitor and evaluate the Minnesota family investment program by exchanging data between the Departments of Human Services and Education, on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;
- (28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the Department of Human Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), Department of Health, Department of Employment and Economic Development, and other state agencies as is reasonably necessary to perform these functions;
- (29) counties operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of education; or
- (30) child support data on the parents and the child may be disclosed to agencies administering programs under titles IV-B and IV-E of the Social Security Act, as provided by federal law. Data may be disclosed only to the extent necessary for the purpose of establishing parentage or for determining who has or may have parental rights with respect to a child, which could be related to permanency planning.

Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are not subject to the access provisions of subdivision 10, paragraph (b).

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

**Investigation Data.** Data on persons, including data on vendors of services, licensees, and applicants that is collected, maintained, used, or disseminated by the welfare system in an investigation, authorized by statute, and relating to the enforcement of rules or law are confidential data on individuals pursuant to section 13.02, subdivision 3, or protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and shall not be disclosed except:

(1) pursuant to section 13.05;

(2) pursuant to statute or valid court order;

(3) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense; or

(4) to provide notices required or permitted by statute.

The data referred to in this subdivision shall be classified as public data upon submission to an administrative law judge or court in an administrative or judicial proceeding. Inactive welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

Notwithstanding any other provision in law, the commissioner of human services shall provide all active and inactive investigative data, including the name of the reporter of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental health and developmental disabilities upon the request of the ombudsman.

Notwithstanding paragraph (a) and section 13.39, the existence of an investigation by the commissioner of possible overpayments of public funds to a service provider is public data during an investigation.

**Licensing Data.** Except as provided in paragraph (a) below, the following data on applicants, license holders, and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred, variances granted, record of training and education in child care and child development, type of dwelling, name and relationship of other family members, previous license history, class of license, the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human services, the local social services agency, or any other county welfare agency. For purposes of this clause, a serious injury is one that is treated by a physician.

When a correction order, an order to forfeit a fine, an order of license suspension, an order of temporary immediate suspension, an order of license revocation, an order of license denial, or an order of conditional license has been issued, or a complaint is resolved, the following data on current and former licensees and applicants are public: the substance and investigative findings of the licensing or maltreatment complaint, licensing violation, or substantiated maltreatment; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order, fine, suspension, temporary immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; whether a fine has been paid; and the status of any appeal of these actions.

When a license denial under section 245A.05 or a sanction under section 245A.07 is based on a determination that the license holder or applicant is responsible for maltreatment under section 626.556 or 626.557, the identity of the applicant or license holder as the individual responsible for maltreatment is public data at the time of the issuance of the license denial or sanction.

When a license denial under section 245A.05 or a sanction under section 245A.07 is based on a determination that the license holder or applicant is disqualified under chapter 245C, the identity of the license holder or applicant as the disqualified individual and the reason for the disqualification are public data at the time of the issuance of the licensing sanction or denial. If the applicant or license holder requests reconsideration of the disqualification and the disqualification is affirmed, the reason for the disqualification and the reason to not set aside the disqualification are public data.

Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b, when any person subject to disqualification under section 245C.14 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator of maltreatment is public data. For purposes of this clause, a person is a substantiated perpetrator if the maltreatment determination has been upheld under section 256.045; 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or facility has not timely exercised appeal rights under these sections

For applicants who withdraw their application prior to licensure or denial of a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, and the date of withdrawal of the application.

For applicants who are denied a license, the following data are public: the name and address of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, the date of denial of the application, the nature of the basis for the denial, the record of informal resolution of a denial, orders of hearings, findings of fact, conclusions of law, specifications of the final order of denial, and the status of any appeal of the denial.

The following data on persons subject to disqualification under section 245C.14 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the disqualification; the nature of any disqualification for which a variance was granted under sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person subject to a background study under section 245C.03, subdivision 1, has successfully passed a background study. If a licensing sanction under section 245A.07, or a license denial under section 245A.05, is based on a determination that an individual subject to disqualification under chapter 245C is disqualified, the disqualification as a basis for the licensing sanction or denial is public data. As specified in clause (1), item (iv), if the disqualified individual is the license holder or applicant, the identity of the license holder or applicant and the reason for the disqualification are

public data; and, if the license holder or applicant requested reconsideration of the disqualification and the disqualification is affirmed, the reason for the disqualification and the reason to not set aside the disqualification are public data. If the disqualified individual is an individual other than the license holder or applicant, the identity of the disqualified individual shall remain private data.

When maltreatment is substantiated under section 626.556 or 626.557 and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

For child foster care, only the name of the license holder and the status of the license are public unless the county attorney has requested that data otherwise classified as public data be considered private data based on the best interests of a child in placement in a licensed program.

- (a) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.
- (b) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters of complaints or alleged violations of licensing standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment under sections 626.556 and 626.557, are confidential data and may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.
- (c) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning a license which has been suspended, immediately suspended, revoked, or denied.
- (d) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.
- (e) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.
- (f) Upon request, not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report of substantiated maltreatment as defined in section 626.556 or 626.557 may be exchanged with the Department of Health for purposes of completing background studies pursuant to section 144.057 and with the Department of Corrections for purposes of completing background studies pursuant to section 241.021.
- (g) Data on individuals collected according to licensing activities under chapters 245A and 245C, data on individuals collected by the commissioner of human services according to investigations under chapters 245A, 245B, and 245C, and sections 626.556 and 626.557 may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the ombudsman for mental health and developmental disabilities, and the individual's professional regulatory board when there is reason to believe that laws or standards

under the jurisdiction of those agencies may have been violated or the information may otherwise be relevant to the board's regulatory jurisdiction. Background study data on an individual who is the subject of a background study under chapter 245C for a licensed service for which the commissioner of human services is the license holder may be shared with the commissioner and the commissioner's delegate by the licensing division. Unless otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or licensing violations may not be disclosed.

- (h) In addition to the notice of determinations required under section 626.556, subdivision 10f, if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.
- (i) All not public data collected, maintained, used, or disseminated under this subdivision and subdivision 3 may be exchanged between the Department of Human Services, Licensing Division, and the Department of Corrections for purposes of regulating services for which the Department of Human Services and the Department of Corrections have regulatory authority.

**Medical Data.** Data relating to the medical, psychiatric, or mental health of any individual, including diagnosis, progress charts, treatment received, case histories, and opinions of health care providers, that are maintained, used, or disseminated by any agency to the welfare system is private data on individuals and will be available to the data subject, unless the private health care provider has clearly requested in writing that the data be withheld pursuant to sections 144.291 to 144.298. Data on individuals that is collected, maintained, used, or disseminated by a private health care provider under contract to any agency of the welfare system are private data on individuals, and are subject to the provisions of sections 13.02 to 13.07 and this section, except that the provisions of section 13.04, subdivision 3, shall not apply. Access to medical data referred to in this subdivision by the individual who is the subject of the data is subject to the provisions of sections 144.291 to 144.298. Access to information that is maintained by the public authority responsible for support enforcement and that is needed to enforce medical support is subject to the provisions of section 518A.41.

**Other Data.** Data collected, used, maintained, or disseminated by the welfare system that are not data on individuals are public pursuant to section 13.03, except the following data:

- (a) investigative data classified by section 13.39;
- (b) welfare investigative data classified by section 13.46, subdivision 3; and
- (c) security information classified by section 13.37, subdivision 2.

**Mental Health Data.** Mental health data are private data on individuals and shall not be disclosed, except:

- (1) pursuant to section 13.05, as determined by the responsible authority for the community mental health center, mental health division, or provider;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to or disclosure of mental health data or as otherwise provided by this subdivision; or
- (4) with the consent of the client or patient.

An agency of the welfare system may not require an individual to consent to the release of mental health data as a condition for receiving services or for reimbursing a community mental health center, mental health division of a county, or provider under contract to deliver mental health services.

Notwithstanding section 245.69, subdivision 2, paragraph (f), or any other law to the contrary, the responsible authority for a community mental health center, mental health division of a county, or a mental health provider must disclose mental health data to a law enforcement agency if the law enforcement agency provides the name of a client or patient and communicates that the:

(1) client or patient is currently involved in an emergency interaction with the law enforcement agency; and

(2) data is necessary to protect the health or safety of the client or patient or of another person.

The scope of disclosure under this paragraph is limited to the minimum necessary for law enforcement to respond to the emergency. Disclosure under this paragraph may include, but is not limited to, the name and telephone number of the psychiatrist, psychologist, therapist, mental health professional, practitioner, or case manager of the client or patient. A law enforcement agency that obtains mental health data under this paragraph shall maintain a record of the requestor, the provider of the information, and the client or patient name. Mental health data obtained by a law enforcement agency under this paragraph are private data on individuals and must not be used by the law enforcement agency for any other purpose. A law enforcement agency that obtains mental health data under this paragraph shall inform the subject of the data that mental health data was obtained.

In the event of a request from the client or patient, a community mental health center, county mental health division, or provider must release mental health data to Criminal Mental Health Court personnel in advance of receiving a copy of a consent if the Criminal Mental Health Court personnel communicate that the:

(1) client or patient is a defendant in a criminal case pending in the district court;

(2) data being requested is limited to information that is necessary to assess whether the defendant is eligible for participation in the Criminal Mental Health Court; and

(3) client or patient has consented to the release of the mental health data and a copy of the consent will be provided to the community mental health center, county mental health division, or provider within 72 hours of the release of the data.

## Tennessee Warning

1. Except for law enforcement investigations every agency that collects private and confidential data from an individual concerning that individual shall prior to collecting the data inform the individual of their rights as a subject of data. The notice must be given whenever:

- a. A government *entity requests* data;
- b. The data is requested from an *individual*;
- c. The data requested is *private or confidential*; **and**,
- d. The data is *about the individual* from whom it is requested.

All four of these conditions must be present before a Tennessee warning notice must be given. These rights are referred to as the Tennessee Warning. A Tennessee Warning may be given but is not required when private and confidential data is collected from an individual who is not the subject of the data.

2. The Tennessee Warning consists of the following information that must be communicated to the individual from whom private or confidential data concerning the individual is collected.

- a. The purpose and intended use of the data. This is why the data is requested and how it will be used.
- b. Whether the individual may refuse or is legally required to supply the data. The subject has the right to know whether or not she/he is required to provide the data.
- c. Any consequences to the individual of either supplying or refusing to supply the data. The entity is required to state the consequences known to the entity at the time when the notice is given; **and**
- d. The identity of other persons or entities that may be authorized to receive the data. The notice must identify recipients that are known to the entity at the time the notice is given.

NOTE: In accordance with the Federal Privacy Act of 1974, any federal, state, or local agency that requests an individual to disclose their social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

**REMEMBER: YOU MAY NOT COLLECT PRIVATE OR NONPUBLIC DATA ON AN INDIVIDUAL UNLESS THAT DATA IS NECESSARY TO CARRY OUT YOUR REQUIRED DUTIES. A TENNESSEN WARNING IS REQUIRED TO BE GIVEN IN ALL CASES WHERE PRIVATE OR NONPUBLIC DATA ON AN INDIVIDUAL IS BEING REQUESTED.**

Appendix 3

# MOTOR VEHICLE/DRIVER'S LICENSE DATA PRIVACY FREQUENTLY ASKED QUESTIONS

General Information	
License Center employee obtains information of interest about an individual while processing a DVS transaction. They share the information with another in general conversation. Is this acceptable?	No. It is not appropriate to share information you have access to with others, unless it is specific to performing official and required job duties.
On occasion, someone other than the owner of a vehicle will come in to purchase registration. What do you do?	<p>You may allow someone other than the record owner to renew vehicle registration if:</p> <ul style="list-style-type: none"> <li>• Your customer presents the vehicle renewal notice, mailed by the department to the vehicle owner.</li> <li>• Your customer is the record owner's spouse, who lives at the same address as the vehicle owner and provides correct vehicle information. (verify identification)</li> <li>• Your customer has a written note or power of attorney with a live signature from the vehicle owner authorizing the purchase of vehicle registration. The customer is able to provide vehicle description and record owner address. (verify identification)</li> </ul> <p>These individuals may not change anything on the vehicle record, including the address, or apply for duplicate plates without clear written authorization from the record owner to do so.</p>
Can I give a customer a copy of their own record?	No, copies of DVS records (including purged records) can only be obtained from DVS. Either give the customer a DVS Records Request form or refer the customer to the DVS website <a href="http://www.mndriveinfo.org">www.mndriveinfo.org</a> to obtain the Records Request Form.
Customer comes in and requests a printout of all vehicles in their name. Can we give them the list?	No, copies of the motor vehicle and/or driving records can only be obtained from DVS. Either give the customer a DVS Records Request form or refer the customer to the DVS website <a href="http://www.mndriveinfo.org">www.mndriveinfo.org</a> to obtain the Records Request Form.
While waiting on a customer, can the clerk turn the computer screen to explain a situation to the customer?	No. Confidential and restricted data may appear on most screens and can't be shared with the customer.
What records should we use to view the system for training, if we are not allowed to use our own or a coworkers?	<p>You may use the following "generic" license plate and driver's license numbers to view in lieu of your own or a coworkers:</p> <p>Plate: FKR324 Driver's License number: D616603014334</p>

## Motor Vehicle/Driver's License Records

Local Law Enforcement Officer comes in and requests owners name and address for a plate # of a vehicle involved in an incident. Can I give it to the officer?	No. Law Enforcement has access to the DVS Records system and are required to access the information utilizing their own login credential or by contacting DVS directly by calling the law enforcement line or the CJIS.
Local Law Enforcement Officer comes in and needs name of owner that a plate was issued to and the state record is not updated. Information is under "trans lookup". Can I give it to the officer?	No. A copy of trans lookup is considered a DVS record and must be obtained through DVS. Law Enforcement is required to access the information by contacting DVS directly by calling the law enforcement line or the CJIS.
Customer comes in with a VIN # and plate # of a vehicle that was left on the property that they just purchased. They are looking to get a title and registration in their name. What can we tell them?	Provide information about choosing the correct "no proof of ownership" titling procedure (e.g. abandoned, sheriff's sale, mechanic's lien, bonded, etc.)
Customer has purchased a vehicle/trailer at an auction or garage sale there is a plate on it, but they were given no paperwork. The person they purchased it from sold it as is with no title. They come to the counter with the plate number and want to get it transferred into their name. What can we tell them?	Provide information about choosing the correct "no proof of ownership" titling procedure (e.g. abandoned, sheriff's sale, mechanic's lien, bonded, etc.)
The local bank calls with a customer name and a VIN # of a vehicle and is requesting information about who is listed on the title or if it has an existing lien. Can we give them the information?	No, this information cannot be released.  The bank may submit a Records Request Form to DVS, or the bank may contact the PIC. The PIC agent can verify if the owner and lien holder information is correct.
A local insurance agent calls to verify that his customer is the registered owner on a vehicle.	No, you cannot release this information. The insurance agent may submit a Records Request Form to DVS.
License Center employee is looking to buy a used a vehicle. They write down the plate # and look it up to see the history of the vehicle. Is this allowable?	No, copies of the motor vehicle and/or driving records can only be obtained from DVS via the DVS Records Request Form. This is also a violation of the business partner agreement and state and federal laws.
Customer comes into the office and has lost their driver license (DL). They are requesting a printable copy of DL record with photo and DL #. They don't want to apply for a duplicate right now. Can I give them a copy of the record?	No. copies of DVS records can only be obtained from DVS. Either give the customer a DVS Records Request form or refer the customer to the DVS website <a href="http://www.mndriveinfo.org">www.mndriveinfo.org</a> to obtain the Records Request Form.
License Center employee hears something about someone and looks up their DL photo to see if they know them. Is this acceptable?	No, this is a violation of business partner agreement and state and federal laws and may subject the user to penalties and discipline.
Local DNR Enforcement Officer calls requesting a driver license number for a customer who needs it to obtain a fishing license. He has applied for an ID card, but has not received it yet. Can I give out the information that is being requested?	No. The DNR LE has access to data and is required to use their own access to obtain the information.

## CLASSIFICATIONS OF DATA HELD BY DRIVER & VEHICLE SERVICES DIVISION

	<b>Public</b> Anyone may see this data for any reason. Minn. Stat. §13.03,	<b>Private</b> Only the subject of the data and those specifically authorized by law are entitled to see data unless subject has given written authorization to release.	<b>Confidential</b> No one may see data, including subject. Available only to authorized department personnel.
<b>Status of driver's license</b>	X		
<b>Physical description</b>	X		
<b>Zip code</b>	X		
<b>Unpaid fines info</b>	X		
<b>Convictions</b>	X		
<b>Reinstatement Requirements</b>	X		
<b>License plate number</b>	X		
<b>VIN</b>	X		
<b>Odometer Reading</b>	X		
<b>Lien holder</b>	X		
<b>Registration expiration</b>	X		
<b>Driver's license photo</b>		X	
<b>Driver's license number</b>		X	
<b>Personal name (#)</b>		X	
<b>Date of birth</b>		X	
<b>Address (*) (#)</b>		X	
<b>Crash Reports 169.09, subd. 13</b>		X	
<b>Social Security number, 13.69, subd. 1(a)(3)and 13.355.</b>		X--SSNs must be provided to: Dept. of Revenue for tax administration, Dept.of Labor & Industry for work comp admin and enforcement, DNR for license application administration.	
<b>Chemical Use Assessment</b>		X	
<b>Medical data, 13.69, subd. 1 (a) (1)</b>		X	
<b>Data on designated caregivers, 13.69, subd 1 (a) (4)</b>		X--Data may be given to law enforcement agencies for uses pursuant to 13.69	
<b>Data other than medical data on holders of disability parking certificates, 13.69, subd. 1 (a) (2).</b>		X-- Non-medical data may be released to LE.	
<b>Lessees of motor vehicles, 168.345, subd. 2</b>		X—leases of 180 days or more except to LE	
<b>Data from family members concerning an individual's driving ability, 13.69, subd. 1 (b)</b>			X
<b>Summary data derived from private or confidential data.</b>	X--Requestor must pay cost of preparing the summary data.		

(#) Individuals who fear for their safety may request that their name and residence address be classified as private on motor vehicle records pursuant to MS 168.346. The record will display PRIVATE in the name and ID fields and the alternate address will display.

(\*) Individuals who fear for their safety may request to classify residence address as private on their driver's license record data pursuant to MS 171.12, subd.7. The record will display the alternate address and will contain a notation of PRIVATE in the memo field. Name cannot be private on driver license records.

\*\*Access to personal information is governed by United States Code, Title 18, § 2725 and Minn. Stat. §§168.346, 171.12, Subd. 7(d)