

Swift Soil and Water Conservation District

Data Practices Policy

Effective Date: April 1, 2020

Revision Date: -

SWIFT SOIL AND WATER CONSERVATION DISTRICT, (Hereinafter "SWCD") Benson, Minnesota **DATA PRACTICES POLICY**

1. Introduction

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

2. Responsible Authority

The Responsible Authority shall be the person responsible for ensuring compliance with the Act. The Responsible Authority shall be appointed by Resolution of the Board. The Responsible Authority may designate certain other SWCD employees to assist in complying with the Act. These designees are listed on attached Exhibit 1.

3. Access to Public Data

All information maintained by the SWCD is public unless there is a specific statutory designation that gives it a different classification. Categories of classification are as follows:

Data on Individuals (Natural Persons)	Data Not on Individuals	Degree of Accessibility
Public	Public	Accessible to Anyone
Private	Nonpublic	Accessible to data subjects and to government officials whose duties reasonably require access

The SWCD uses the State of Minnesota's General Records Retention Schedule which lists data series maintained by the SWCD and their classifications.

People Entitled to Access

Any person has the right to inspect and copy public data (there may be charges associated for obtaining copies). The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request. However, staff may ask clarifying questions for the sole purpose of facilitating access to the data.

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Form of Request

All requests for public data shall be made in writing.

Time Limits

- i. Requests will be received and processed only during normal business hours.
- ii. If copies cannot be made at the time of the request or the compilation of the data requested is difficult, copies must be supplied as soon as reasonably possible.

Fees

Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the SWCD's fee schedule, unless there are non-standard fees involved (see Exhibit 2 for cost calculation form that may be used in certain instances). In that case, the fee will include the actual cost of searching for, retrieving, summarizing, copying or electronically transmitting the data, and mailing costs. The fee may not include time necessary to separate public from non-public data.

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

4. Access to Data on Individuals

Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the SWCD is contained in Appendix A.

People Entitled to Access

- i. **Public information** about an individual may be shown or given to anyone.
- ii. **Private information** about an individual may be shown or given to:
 1. The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
 2. A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit 3, or a form reasonably similar.
 3. People who are authorized access by the federal, state, or local law or court order.
 4. People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the Tennessee warning described below.
 5. People within the SWCD staff, the SWCD Board, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

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

1. People who are authorized access by federal, state, or local law or court order.
2. People within the SWCD staff, the SWCD Board, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Form of Request

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

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

Identification of Requesting Party

The Responsible Authority or designee must verify the identity of the requesting party as a person entitled to access. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in SWCD records (when applicable), or other reasonable means.

Time Limits

- i. Requests will be received and processed only during normal business hours.
- ii. The response must be as soon as reasonably possible. In most cases it should be within 10 working days. If not, the SWCD may have additional days to respond if it notifies the requesting person that it cannot comply and approximately how many days the SWCD will need to comply with the request.

Fees

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

Summary Data

Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The Responsible Authority or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Responsible Authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This should be done within a reasonable amount of time after receiving the request.

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However, if the summary data cannot be prepared within 10 working days, the Responsible Authority must notify the requester of the anticipated time schedule and the reasons for the delay.

Summary data may be prepared by manually redacting any and all personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

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

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

Parental Access. In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. "Parent" means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian pursuant to a Delegation of Parental Authority in the absence of a parent or guardian. The parent is presumed to have this right unless the Responsible Authority or designee has been given evidence that there is a federal law, state law, court order, or other legally binding document which prohibits this right, or upon request in writing by the minor if the Responsible Authority determines that withholding the data would be in the best interest of the minor.

5. Denial of Access

If the Responsible Authority or designee determines that the requested data is not accessible to the requesting party, the Responsible Authority or designee must inform the requesting party orally at the time of the request or in writing as soon after that is possible. The Responsible Authority or designee must give the specific legal authority, including statutory section, for withholding the data. The Responsible Authority or designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

6. Collection of Data on Individuals

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, SWCD Board, public utilities commission, economic development authority, or federal government.

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

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

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A Tennessean Warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A Tennessean Warning may be on a separate form or may be incorporated into the form that requests the private or confidential data. See attached Exhibit 6.

7. Challenge to Data Accuracy

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

An individual who is dissatisfied with the Responsible Authority's action may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The Responsible Authority will correct any data if so ordered by the Commissioner.

8. Data Protection

Accuracy and Currency of Data

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, human resources personnel, or SWCD Office Manager, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate. Department heads should periodically review forms used to collect data on individuals and request this data to be changed, deleted or clarified to the responsible person.

All records must be disposed of according to the SWCD's records retention schedule.

Data Safeguards

Private and confidential information will be stored in files or databases that are not readily accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.

Private and confidential data must be kept only in SWCD offices, except when necessary for SWCD business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private or confidential information. These employees will be instructed to:

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1. Not discuss, disclose, or otherwise release private or confidential data to SWCD employees whose job responsibilities do not require access to the data;
 2. Not leave private or confidential data where non-authorized individuals might see it;
 3. Shred private or confidential data before discarding; and
 4. When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The SWCD may include in a written contract the language contained in Exhibit 7.
- 9. Other laws versus policy**

There are also many miscellaneous federal laws, state laws, court orders, or other legally binding documents not listed. Each individual case may need to be reviewed for applicable statutes and rules. If an instance arises where the applicable federal laws, state laws, court order, or other legally binding document in place at that time differs from this policy the preceding will rule how the situation is handled.

Exhibit 1

LIST OF DESIGNEES

The Minnesota Data Practices Act establishes a system for compilation and distribution of data gathered by government agencies. All data collected and maintained by the SWCD of Swift ("SWCD") is presumed public and is accessible to the public for both inspection and copying, unless classified as Private, Confidential, Nonpublic or Protected Nonpublic in accordance with federal law, state statute or a temporary classification. (Minn. Stat. 13.01).

Responsible Authority: SWCD District Manager and SWCD Office Manager.

Data Practices Compliance Officer: Danielle Olson
Swift County Attorney
211 11th Street N
Benson, MN 56215
(320) 843-2134

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Exhibit 2

SWIFT SWCD

DATA REQUEST COST CALCULATION FORM

Fees charged are in accordance with MN Statutes Section 13.03 (3).

Date of Request: _____

Description of Information Requested: (please be specific)

Costs for duplication of standard materials are included in the SWCD's fee schedule. Please use this section to calculate fees for data requests.

			Estimated Cost	Actual Cost
Photocopy	<100 pages	Rate: \$0.25/page		
Labor	# hours	Hourly Rate \$67.80/hour		
Photocopy	>100 pages	Rate: Actual Cost per page		
Mailing				
Other Printing Costs	Photo development, etc.			
Other Costs	(May include computer time, programming, terminal access, Microfilming and any other costs not listed above)			
1.				
2.				
3.				
4.				
5.				
Total Charges				
Amount to be prepaid (50% of Est. total if exceeds \$50)				
Amount due upon completion				

Prepared by: _____

Department: _____

Date: _____

Exhibit 3

CONSENT TO RELEASE PRIVATE DATA

I, _____ authorize the SWCD to release the following private data about me:

To the following person or people:

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

This authorization is dated _____ and expires on _____.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the SWCD, its agents and employees for releasing data pursuant to this request.

Signature

Identity Verified By:

Witness: _____

Identification: Driver's License, State ID, Passport, Other: _____

Comparison with signature on file (when applicable) _____

Other: _____

Responsible Authority/Designee: _____

Exhibit 4

**SWIFT SWCD
INFORMATION DISCLOSURE REQUEST
Minnesota Government Data Practices Act**

A. Completed by Requester

REQUESTER NAME (Last, First, MI)	Date of Request:
STREET ADDRESS:	PHONE NUMBER:
COUNTY, STATE, ZIP CODE:	SIGNATURE:
DESCRIPTION OF THE INFORMATION REQUESTED: (attach additional sheets if necessary)	

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B. Completed by Department

DEPARTMENT NAME:			HANDLED BY:
INFORMATION CLASSIFIED AS:			ACTION:
PUBLIC	NON-PUBLIC	APPROVED	
PRIVATE	CONFIDENTIAL	APPROVED IN PART (explain below)	
PROTECTED NON-PUBLIC			
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:			
CHARGES:		IDENTITY VERIFIED FOR PRIVATE INFORMATION:	
		IDENTIFICATION: Driver's License, State, ID, etc.	
PHOTOCOPY:		Comparison with Signature on File	
Special Rate: (attach explanation)		Personal Knowledge	
Other: (attach explanation)		Other:	
AUTHORIZED SIGNATURE:			DATE:

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Exhibit 5

SWIFT SWCD

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. AUTHORIZATION. Swift Soil and Water Conservation District ("SWCD") hereby authorizes _____ ("Authorized Party") access to the following government data:

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

3. COST. (Check which applies):

- The authorized Party is the person who requested the summary data and agrees to bear the SWCD's costs associated with the preparation of the data which has been determined to be \$ _____
- The Authorized Party has been requested by the SWCD to prepare summary data and will be paid in accordance with attached Exhibit _____

4. SECURITY. The Authorized party agrees that it and any employees or agents under its control must protect the privacy interests of individual data subjects in accordance with the terms of this Agreement.

The Authorized party agrees to remove all unique personal identifiers which could be used to identify any individual from data classified by state or federal law as not public which is obtained from SWCD records and incorporated into reports, summaries, compilations, articles, or any document or series of documents.

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

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

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

5. LIABILITY FOR DISCLOSURE: The Authorized Party is liable for any unlawful use or disclosure of government data collected, used and maintained in the exercise of this Agreement and is classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

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

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

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

8. **SURVEY RESULTS.** (Check which applies):
 - If the Authorized Party is the requester, a copy of all reports, summaries, compilations, articles, publications or any document or series of documents that are created from the information provided under this Agreement must be made available to the SWCD in its entirety.

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

AUTHORIZED PARTY:

By: _____ Date: _____

Title (if applicable):

SWIFT SWCD:

By: _____ Date: _____

Title: _____

Exhibit 6

DATA PRACTICES ADVISORY (“Tennessee Warning”)

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

Our purpose and intended use of this information is:

You are/are not (circle one) legally required to provide this information.
If you refuse to supply the information, the following may happen:

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

APPENDIX A

PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY SWCD

1. PERSONNEL DATA (PRIVATE). Minn. Stat. § 13.43.

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

Public Data – Applicants: The following data on current and former applicants is public:

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

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

- Name;
- Employee Identification Number (**not** including social security number);
- Actual gross salary;
- Salary range;
- Terms and conditions of employment relationship;
- Contract fees;
- Actual gross pension;
- Value and nature of employer paid fringe benefits;
- Basis for and amount of added remuneration, including expense reimbursement
- Job title;
- Bargaining Unit;
- Job description;
- Education and training background;
- Previous work experience;
- Date of first and last employment;
- The existence and status (but not nature) of any complaints or charges against the employee, whether or not resulting in discipline;
- Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees;
- Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement as defined by Minn. Stat. § 123B.143, subd. 2(a); except

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that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

- Work location and work telephone number;
- Badge number;
- Work-related continuing education;
- Honors and awards received; and
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data.

Undercover Law Enforcement Officer

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

Access by Labor Organizations

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

Employee Assistance Programs

All data associated with employee assistance programs is private.

Employee Suggestion Data

Data collected as part of an organized self-evaluation effort by SCWM to request suggestions from all employees on ways to cut costs, make government more efficient, or improve the operation of government are private personnel data except that an employee identified in a suggestion shall have access to all data in the suggestion except for the identity of the suggesting employee.

Harassment

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

Peer Counseling Debriefing

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

Protection of Employee or Others

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

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2. PROPERTY COMPLAINT DATA (CONFIDENTIAL). Minn. Stat. § 13.44.

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

3. PLANNING QUESTIONNAIRES (PRIVATE). Minn. Stat. § 13.59.

Names, addresses, and legal descriptions of property, that are collected in questionnaires or surveys of individuals and businesses for the purposes of planning, development, or redevelopment.

4. SECURITY INFORMATION (NONPUBLIC). Minn. Stat. § 13.37.

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs.

5. TRADE SECRET INFORMATION (NONPUBLIC). Minn. Stat. § 13.37.

Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization; (2) that is the subject of efforts by the 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. Examples: unique building plans, copyrighted questionnaires prepared by consultants (such as for comparable worth), and computer programs.

6. ABSENTEE BALLOTS (NONPUBLIC). Minn. Stat. § 13.37.

Sealed absentee ballots before opening by an election judge.

7. SEALED BIDS (NONPUBLIC). Minn. Stat. §§ 13.37 and 13.591, Subd. 3

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

8. LABOR RELATIONS INFORMATION (NONPUBLIC). Minn. Stat. § 13.37.

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

9. FIREARMS DATA (PRIVATE). Minn. Stat. § 13.87, Subd. 2.

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

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10. EXAMINATION DATA. (NONPUBLIC/PRIVATE/CONFIDENTIAL) Minn. Stat. §13.34.

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

11. ELECTED OFFICIALS CORRESPONDENCE (PRIVATE). Minn. Stat. §13.601, Subd. 2.

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

12. HOUSING DATA (PRIVATE). Minn. Stat. §13.462.

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

13. HOUSING AGENCY DATA (PRIVATE). Minn. Stat. § 13.585.

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

14. CIVIL INVESTIGATIVE DATA (NONPUBLIC/CONFIDENTIAL). Minn. Stat. § 13.39.

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

15. APPRAISAL DATA (CONFIDENTIAL). Minn. Stat. § 13.44, Subd. 3.

Appraisals made for the purpose of selling or acquiring land.

16. ASSESSOR'S DATA (PRIVATE). Minn. Stat. § 13.51.

Data on sales sheets from private multiple listing service organizations.

Income information on individuals used to determine eligibility of property for classification 4d under Minn. Stats. § 273.126 and 273.13, Subd. 25 (c).

The following data regarding income properties:

- income and expense figures;
- average vacancy factors;
- net rentable or useable areas;
- anticipated income and expenses;
- projected vacancy factor; and
- lease information.

17. SOCIAL SECURITY NUMBERS (PRIVATE). Minn. Stat. § 13.355.

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18. DEFERRED ASSESSMENT DATA (PRIVATE). Minn. Stat. § 13.52.

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

19. TRANSPORTATION SERVICE DATA (PRIVATE). Minn. Stat. §13.72, Subd. 10.

Personal, medical, financial, familial or locational information, of applicants or users of transportation services for the disabled or elderly.

20. RECREATION DATA (PRIVATE). Minn. Stat. § 13.548.

For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

21. LAW ENFORCEMENT DATA (PRIVATE/CONFIDENTIAL). Minn. Stat. §§ 13.80 and 13.82.

Data collected under the domestic abuse act is confidential.

The audio recording of a 911 call is private regarding the individual making the call, but a written transcript is public.

Certain arrest data, request for service data, and response or incident data is public under Minn. Stat. § 13.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active. Photographs that are part of inactive investigation files are private if they are clearly offensive to common sensibilities. Booking photographs are public.

The identity of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data that relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private.

Videotapes of child abuse victims may not be released under any circumstances without a court order.

The following are private:

- The identity of undercover law enforcement officers.
- The identity of criminal sexual conduct victims.
- The identity of certain informants.
- The identity of victims, witnesses, and people making a 911 call whose personal safety or property would be threatened by disclosure.
- The identity of a person making a 911 call to receive help in a mental health emergency.

Unique descriptions of stolen, lost, confiscated, or recovered property are private.

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Identities of customers of licensed pawnshops and secondhand goods dealers are private.

Detention data that would disclose personal, medical, psychological or financial information or endanger an individual's life is private (Minn. Stat. § 13.85).

Criminal history data is private, except convictions of crimes within the past 15 years (Minn. Stat. §13.87).

Deliberative processes or investigative techniques are confidential.

22. LIBRARY AND HISTORICAL DATA (PRIVATE). Minn. Stat. §13.40.

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

23. MUNICIPAL ELECTRIC UTILITY DATA (PRIVATE). Minn. Stat. §13.685.

24. OTHER DATA.

The above is not a comprehensive list and there may be other miscellaneous data that may be protected under various federal laws, state laws, court orders, or other legally binding document not listed. Some of these are items such as business data, social/recreational data, lodging tax data, etc. Each individual case may need to be reviewed for applicable statutes and rules. If an instance arises where the applicable laws, statutes, court order, or other legally binding document in place at that time differs from the policy the preceding will control the data classification and how the issue is handled.