



City of Spring Lake Park

Data Practices Policy

- I. **Responsible Authority and Compliance Official.** The data practices compliance official is the designated employee of the government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices issues. The City Council has appointed Daniel Buchholtz, Administrator, Clerk/Treasurer, as the City's Responsible Authority and the Compliance Official for the Act. The people listed in Appendix A have been appointed as Responsible Authority Designees to assist in complying with the Act.
- II. **Government Data Generally Accessible to the Public.** "Government Data" means all data collected, created, received, maintained or disseminated by the City regardless of its physical form, storage media or conditions of use. Government Data is public data and is generally accessible by the public according to the terms of the Minnesota Government Data Practices Act (MGDPA), unless it is specifically classified differently by the MGDPA or other law, and may be subject to a fee. The MGDPA classifies categories of Government Data that are not generally accessible to the public as follows:
 - **"Confidential data on individuals"** is inaccessible to the public or to the individual subject of the data.
 - **"Private data on individuals"** is inaccessible to the public, but is accessible to the individual subject of the data.
 - **"Protected nonpublic data"** is data *not on individuals* that is inaccessible to the public or the subject of the data, if any.
 - **"Nonpublic data"** is data *not on individuals* that is inaccessible to the public, but accessible to the subject of the data, if any.
- III. **Access to Public Data.** All data maintained by the City is public unless there is a specific statutory designation which gives it a different classification.
 - A. **People Entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name, provide identification or give the reason for the request (MS 13.05, subd. 12). To fulfill the request, the representative of the City may ask questions to clarify the request and may use the form contained in this policy as Exhibit B. The City must determine whether it maintains the requested data. The City is not required by the Minnesota Government Data Practices Act to provide data that it does not maintain, nor is the City required to produce data in a new format.
 - B. **Form of Request.** The request for public data may be verbal or written. The City will consult with its attorney in preparing a response to a request for data relating to litigation.
 - C. **Time Limits.** Requests will be received and processed during normal business hours. If requests cannot be processed or copies cannot be made immediately at the time of the request, the information must be supplied as soon as reasonably possible. Standing requests will be valid for one year at which time the request must be renewed by the party making the request.

D. Fees. Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. The fee does not include time necessary to separate public from non-public data. Fees will not be charged for inspection of government data.

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

1-100 pages (MN Statute 13.03, subd. 3c)	\$0.25 per page
101 or more pages	Actual Cost (as defined below)

The *actual cost of copies* includes the cost of searching for and retrieving the data, including the cost of employee time, and for making, certifying and electronically transmitting copies of the data and/or mailing copies of the data and any other production expenses. Actual costs shall be determined by the department fulfilling the data request.

The City may require the requesting party to prepay any fees associated with a request for copies or transmission.

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

IV. Access to Data on Individuals. Data about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is attached as Exhibit C (Non-public Data Maintained by City). Information to be incorporated on forms used to collect private and confidential information is also attached as Exhibit E (Tennessee Warning).

A. People Entitled to Access.

➤ **Public data about an individual may be shown or given to anyone.**

➤ **Private data about an individual may be shown or given to:**

- The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
- A person who have been given access by the express written consent of the data. This consent must be on the form attached as Exhibit E, or a form reasonably similar.
- People who are authorized access by federal, state or local law or court order.
- People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the Tennessee Warning.
- People within the City staff, the City Council and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

- **Confidential information may not be given to the subject of the data, but may be shown or given to:**
 - People who are authorized access by federal, state or local law or court order.
 - People within the City staff, the City Council and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

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

All requests to see or copy private or confidential information must be in writing. An information disclosure request, attached as Exhibit E, 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 data requested, and the City's response. A response to a request for data relating to litigation will be made after consultation with the City Attorney.

The City is not required to provide information verbally over the telephone. The City may provide information by fax or e-mail, at its own discretion. The City is not required to provide information in any specific format, except that if the data is maintained in electronic format and is requested to be in electronic format, then it must be provided in that medium. This does not mean that the city will provide the data in an electronic format or program that is different from what the city has. Requests for names and addresses of residents must be made in person or in writing.

- C. Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access. This can be done through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.
- D. Time Limits.** Requests will be received and processed during normal business hours. The response must be immediate, if possible, or within 10 days (excluding Saturdays, Sundays and legal holidays) if an immediate response is not possible (M.S. 13.04 subd. 3).
- E. Fees.** Fees may be charged in the same manner as for public information.
- F. Summary Data.** Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other 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 10 days after receiving the request. If the summary data cannot be prepared within 10 days, the

Responsible Authority or Designee must notify the requester of the anticipated time schedule and the reasons for the delay.

Summary data may be prepared by “blacking out” 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 authorize 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 F.

G. Juvenile Records. The following applies to private (but 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 subject. “Parent” means the parent or legal guardian of a juvenile data subject, or individual acting as a parent or legal guardian in the absence of a parent or legal guardian. The parent is presumed to have this right unless the Responsible Authority or Designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.
- **Notice to Juvenile.** Before requesting private data from juveniles, City personnel must notify the juveniles that they may request that the information not be given to their parent(s). This notice should be in the form attached as Exhibit H.
- **Denial of Parental Access.** The Responsible Authority or Designee may deny parental access to private data when the juvenile requests this denial and the Responsible Authority or Designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the Responsible Authority or Designee will consider:
 - Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences;
 - Whether denying access may protect the juvenile from physical or emotional harm;
 - Whether there is reasonable grounds to support the juvenile’s reasons; and
 - Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor. The city complies with all HIPPA requirements.

The Responsible Authority or Designee may also deny parental access without a request from the juvenile under Minnesota Statutes Section 144.335.

V. Denial of Access. If the Responsible Authority or Designee determines that the requested data is not accessible to the requesting party, the Responsible Authority or Designee must inform the requesting party orally at the time of the request or in writing as soon after that

as 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.

VI. *Collection of Data on Individuals.* The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

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

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

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

A Tennesen warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See Exhibit E.

VII. *Challenge to Data Accuracy.* An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's Responsible Authority in writing describing the nature of the disagreement. Within 30 days, the Responsible Authority 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.

VIII. *Data Protection.*

A. *Accuracy of Data.*

- All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate staff person, which is necessary for tax purposes, insurance coverage, emergency notifications, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.
- Department Heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous.
- All records must be disposed of according to the City's records retention schedule.

B. Data Safeguards.

- Private and confidential information will be stored in files or databases which 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 City offices, except when necessary for City business.
- Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private and confidential information. These employees will be instructed to:
 - not discuss, disclose or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data;
 - not leave private or confidential data where non-authorized individuals might see it;
 - securing not public data within locked work spaces and in locked file cabinets;
 - password protecting employee computers and locking computers before leaving workstations; and
 - shred private or confidential data before discarding, or dispose through confidential locked recycling;
- When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit G.
- The City will utilize the penalties for unlawful access to not public data as provided for under Minnesota Statutes Section 13.09. Penalties include suspension without pay, dismissal of the public employee or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge.

EXHIBIT A
LIST OF DESIGNEES

The following persons are officially designated by the Responsible Authority as “Designees” to be in charge of individual files or systems containing government data and to receive and comply with the request for government data.

Administration

Melissa Barker
Wanda Brown
Jennifer Gooden
Dena Brunette
Kristine Pearson

Parks and Recreation

Kay Okay

Police Department

Doug Ebeltoft
Mike Long
Josh Antoine

Public Works

Terry Randall

Code Enforcement

Jeff Baker

**EXHIBIT B
CITY OF SPRING LAKE PARK
REQUEST FOR PUBLIC DATA
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

REQUESTER: Complete this form and return it to Spring Lake Park City Hall. You may submit it via e-mail at info@slpmn.org, in person or by U.S. Mail.

You do not have to provide contact information. However, if you want us to mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

The City of Spring Lake Park will respond to you as soon as reasonably possible.

NOTICE: You may cancel this request at any time prior to the release of information.

You may be required to pay the actual costs of making copies.

<i>Last Name</i>	<i>First Name</i>	<i>Phone</i>	<i>Date</i>
<hr/>			
<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip Email</i>
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<i>Information Requested (Be as specific as possible):</i>			
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DEPARTMENT USE ONLY - Requester, please do not write below this line.

Department _____ Handled by: _____

Request Type: In-person, Mail Phone E-mail

Fees Charged: _____

If no fee is charged enter "None"

**City of Spring Lake Park
1301 81st St NE
Spring Lake Park, MN 55432
Phone: 763-784-6491, Fax 763-792-7257**

**EXHIBIT C
CLASSIFIED DATA ACCESS REQUEST
Government Data Practices Act**

REQUESTER: Complete this form and return it to Spring Lake Park City Hall.

NOTICE: You may cancel this request at any time prior to the release of information. In any event, this consent form will expire 90 days after signing.

After being shown private data on individuals and informed of its meaning, this data need not be disclosed again for six months unless additional information has been collected or an action is pending.

You may be required to pay the actual costs of making and/or compiling data.

NOTE: The subject of the data request must authorize the release of private information to the subject's agent or another agency. An "Informed Consent to Release" must be completed by the subject of the data.

Name: Last First M.I. Date

Address: Street City State Zip Phone No. E-mail

Information Requested

Requester's Signature: *If not the subject of the data requested, see note above.*

DEPARTMENT USE ONLY - Please do not write below this line.

NOTE: Reasonable identification must be obtained from the person seeking the information.

NOTE: If Data Subject is a minor, consult Attorney prior to release of information.

Department Handled by:

Identification Viewed (Drivers License, State ID, Notarized Request)

Requester is: ___ Data Subject; ___ Not Data Subject, See NOTE above

Request Type: ___ In-person, ___ Mail

Data Classification: ___ Public, ___ Non-Public, ___ Protected Non-Public, ___ Private, ___ Confidential

Request: ___ Approved or ___ Denied Authorized Signature _____

Comments: *Enter any appropriate remarks or comments. If data access is denied, cite authority or reason.*

Fees Charged (*If no fee is charged enter "None"*): _____

**City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432
Phone: 763-784-6491, Fax 763-792-7257**

**EXHIBIT D
INVENTORY OF NOT PUBLIC DATA**

Exhibit E
CITY OF SPRING LAKE PARK 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 which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which 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 legally required to provide this information. If you refuse to supply the information, the following may happen: _____

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

Your signature on this form indicates that you understand this advisory.

X _____
Signature

**EXHIBIT F
CITY OF SPRING LAKE PARK
CONSENT TO RELEASE PRIVATE DATA**

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

to the following person or people:

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

This authorization is dated _____ and expires on _____.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or 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 City, its agents and employees for releasing data pursuant to this request.

X _____
Signature

Identity verified by:

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

Responsible Authority/Designee: _____

**EXHIBIT G
CITY OF SPRING LAKE PARK
GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT**

1. **AUTHORIZATION.** City of Spring Lake Park (“City”) hereby authorized _____
_____, (“Authorized Party”) access to the following
government data: _____

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

3. **COST.** (Check which applies)
 The Authorized Party is the person who requested the summary data and agrees to bear the City’s cost associated with the preparation of the data which has been determined to be \$ _____
 The Authorized Party has been requested by the City to prepare summary data and will be paid a reasonable fee.

4. **SECURITY.** The Authorized Party agrees that it and any employees or agents under its control must protect the privacy interest 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 non-public which is obtained from City records and incorporated into reports, summaries, compilations, articles or any document or series of documents.

Data contained in files, records, or other storage media maintained by the City are the City’s property and are not to leave the City’s custody. The Authorized Party agrees not to make reproductions of any data or to 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 state 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 collection, used and maintained in the exercise of this Agreement and classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

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

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

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

8. **SURVEY RESULTS.** (Check which applies):

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

AUTHORIZED PARTY: _____

By: _____

Date: _____

Title (If Applicable): _____

CITY OF SPRING LAKE PARK

By: _____

Date: _____

Administrator, Clerk/Treasurer

**EXHIBIT H
CITY OF SPRING LAKE PARK
NOTICE TO PERSONS UNDER AGE OF 18**

Some of the information you are asked to provide is classified as private under state law. You have the right to request that some of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____ Date: _____

BY: _____

(Title)

Request to Withhold Information		
I request that the following information: _____		

Be withheld from: _____		

For these reasons: _____		

I have received and reviewed this notice:		
Date of Birth: _____	_____	_____
	Print Name	Signature

Exhibit I
SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City, its elected officials and employees, from any claim, liability, damage or loss asserted against the City, its elected officials and employees, as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

EXHIBIT J
STANDARDS FOR VERIFYING IDENTITY
DATA PRACTICES POLICY FOR DATA SUBJECTS

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

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.