



CITY OF ARDEN HILLS  
MINNESOTA GOVERNMENT DATA PRACTICES  
POLICIES and PROCEDURES

August 1, 2023

Annual Review required by August 1

Owner: City Clerk/Responsible Authority

**DATA PRACTICES PROCEDURES**

**INDEX**

CONTENTS

DATA PRACTICES PROCEDURES..... 2

I. Introduction..... 4

    A. Access to Data ..... 4

    B. Categories of Classification..... 4

    C. Responsible Authority ..... 4

II. Public Data Access PROCEDURE ..... 5

    A. Right to Access Public Data..... 5

    B. Form of Request..... 5

    C. Time Limits ..... 5

    D. Fees..... 5

III. Data Subject Access PROCEDURE FOR INDIVIDUALS ..... 6

    A. Right to Access..... 6

    B. Data Subject Access and Right to Request..... 6

    C. Identification of Requesting Party..... 7

    D. Time Limits ..... 7

    E. Fees..... 7

    F. Juvenile Records ..... 7

IV. Denial of Access..... 8

V. Summary Data..... 8

VI. Collection of Data on Individuals ..... 8

VII. Challenge to Data Accuracy..... 9

VIII. Ensuring Security of Not Public Data .....	9
A. Accuracy and Currency of Data .....	9
B. Data Safeguards.....	9
C. Data Inventory .....	10
D. Employee Job Descriptions.....	10
E. Data Sharing with Authorized Individuals .....	10
F. Contracts.....	11
G. Penalties.....	11

**EXHIBITS**

**NUMBER**

List of Designees.....	1
Fees.....	2
Request to Release Private Data (From and Individual and From Government).....	3
Request for Information/MN Government Data Practices Act Form....	4
Access and Nondisclosure Agreement.....	5
Notice to Juveniles.....	6
Tennessee Warning.....	7
Contract Language, Outside Agents.....	8

**APPENDICES**

**LETTER**

Private & Confidential Data Maintained by City.....	A
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# CITY OF ARDEN HILLS

## PUBLIC DATA AND DATA SUBJECT RIGHTS ACCESS PROCEDURES

### I. INTRODUCTION

These procedures are adopted to comply with the requirements of the Minnesota Government Data Practices Act (the "Act"), found in the Minnesota Statutes §13.025, §13.03, Subd. 2 and § 13.05, Subd. 5.

Government data means all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use. The Act, gives you, a member of the public, the right to inspect and obtain copies of public data retained by the City. The Act, also affords individuals certain rights as data subjects. For full Statute language, see Chapter 13, Government Data Practices <https://www.revisor.mn.gov/statutes/cite/13>

#### A. Access to Data

All information maintained by the City is public unless there is a specific statutory designation which gives it a private, confidential or non-public classification. The City collects data on individuals and data not on individuals. This data also has varying degrees of accessibility.

#### B. Categories of Classification

Data on Individuals	Data Not on Individuals	Degree of Accessibility
Public	Public	Accessible to anyone
Private	Non-Public	Accessible to data subjects and to government officials whose duties reasonably require access.
Confidential	Protected Non-Public	Accessible only to government officials whose duties reasonably require access.

#### C. Responsible Authority

The City Clerk is the Responsible Authority and Data Practices Act Compliance Official. The Responsible Authority has designated certain other City employees to assist in complying with the Act. These designees are listed on attached Exhibit 1.

The City Clerk or their designee shall review the data practices policy and procedures annually for compliance with the Act.

## II. PUBLIC DATA ACCESS PROCEDURE

The Act, gives all members of the public, the right to inspect and have copies of public data that the City maintains.

### A. Right to Access Public Data.

Any person has the right to inspect and copy public data. The person requesting public data also has the right to have an explanation of the meaning of the data. The person requesting public data does not need to state his or her name or give the reason for the request.

### B. Form of Request.

The request for public data must be in writing to the Responsible Authority. Requests can be submitted online via the City's website at <https://www.cityofardenhills.org/FormCenter/General-Forms-3/Request-for-Information-47> or by submitting the City's Request for Information/Minnesota Government Data Practices Act form (see Exhibit 4) via email, U.S. mail, fax or in person.

### C. Time Limits.

**Requests.** Requests for accessible public data will be received and processed only during normal business hours.

**Response.** If copies cannot be made at the time of the request, data must be supplied to the requestor within a reasonable time (Minnesota Rules 1205.0300).

### D. Fees.

Fees may be charged only if the requesting person asks for copies. If the request is for 100 or fewer black and white, letter or legal size paper copies fees will be charged according to the City's standard photocopying policy, attached as Exhibit 2.

For more than 100 or fewer black and white, letter or legal size paper copies or electronic transmittal of data, the fee will include the actual cost of searching for, retrieving and copying or electronically transmitting the data. The fee may not include time necessary to separate public information from non-public information. When calculating employee time for making copies, the hourly wage of the lowest-paid employee who is able to search for, retrieve, and make the copies shall be used.

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.

The City may require pre-payment for copies of data (Advisory Opinion 04-068).

### III. DATA SUBJECT ACCESS PROCEDURE FOR INDIVIDUALS

Minn. Stat. § 13.04 is part of the Act and explains an individual's rights as a data subject. An individual is a living human being. Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is contained in Appendix A.

#### A. Right to Access.

**Public** information about an individual may be shown or given to anyone requesting the information.

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

- The individual who is the data subject, but only once every six (6) months, unless a dispute has arisen or additional data has been collected.
- A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit 3, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or by 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, attached as Exhibit 7.
- City staff and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access. City Council's access to private personnel data is limited to instances when an employee is facing a complaint or disciplinary action is being considered.

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

- Anyone who is authorized by federal, state, or local law or by court order.
- City staff, City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

#### B. Data Subject Access and Right to Request.

An individual may submit a request in writing whether the individual is the subject of data maintained by the City, and whether that 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 (see Section II, B. Form of Request, above for options to submit the form). The Responsible Authority or designee may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response. A response to a request for data relating to litigation will be made after consultation with the City Attorney.

### C. Identification of Requesting Party.

The Responsible Authority or designee must verify the identity of the requesting party as a person entitled to access. This can be 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.** Requests will be received and processed only during normal business hours.
- **Response.** The response must be immediate, if possible, or within five (5) working days if an immediate response is not possible. The City may have an additional five (5) working days, not to exceed 10 days total, to respond if it notifies the requesting person that it cannot comply within five (5) working days.

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

### F. 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 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 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 6.
- **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 of the request to deny access,
  - Whether denying access may protect the juvenile from physical or emotional harm,
  - Whether there is reasonable grounds to support the juvenile's reasons for denying parental access,
  - Whether disclosure of the data could lead to physical or emotional harm to the minor; and

Whether the data concerns medical, dental, or other health services provided under

Minnesota Statutes § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The Responsible Authority may deny parental access to private data on a juvenile without a request from the juvenile pursuant to Minnesota Statutes §§ 144.291 to 144.298 or any other statute or federal law that allows or requires the Responsible Authority to deny parental access, if such state statute or federal law provides standards which limit the exercise of discretion of the Responsible Authority.

#### **IV. 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.

#### **V. 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 ten (10) days after receiving the request. If the summary data cannot be prepared within ten (10) 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 "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 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.

#### **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 *Tennessee 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 information, and
- The identity of other persons or entities authorized by state or federal law to receive the data.

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

A *Tennessee Warning* may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 7.

## **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. ENSURING SECURITY OF NOT PUBLIC DATA**

### **A. Accuracy and Currency of Data.**

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, City Clerk, or City Administrator, 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 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 or 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, password protect employee computers and lock computers before leaving workstations;
- secure private or confidential data within locked work spaces and in locked file cabinets; and
- shred private or confidential data before discarding.

### **C. Data Inventory**

Under the requirements of Minnesota Statutes § 13.025, subd. 1, the City has prepared a Data Inventory which identifies and describes all not public data on individuals maintained by the City. To comply with Minnesota Statutes § 13.05 subd. 5, the City has modified its Data Inventory to represent the employees who have access to not public data.

In the event of temporary duty as assigned by a manager or supervisor, an employee may access certain not public data, for as long as the work is assigned to the employee.

In addition to the employees listed in the City's Data Inventory, the Responsible Authority, the Data Practices Compliance Official, the City Administrator, Department Heads, and the City Attorney may have access to *all* not public data maintained by the City if necessary for specified duties. Any access to not public data will be strictly limited to the data necessary to complete the work assignment.

The City's General Records Retention Schedule lists data maintained by the City and its classification. The retention schedule is available on the Minnesota Clerks and Finance Officers Association (MCFOA) website at [https://www.mcfoa.org/resources/Documents/2021\\_Retention\\_Schedule.pdf](https://www.mcfoa.org/resources/Documents/2021_Retention_Schedule.pdf) or by request at Arden Hills City Hall.

### **D. Employee Job Descriptions**

Employee Job Descriptions may contain provisions identifying any not public data accessible to the employee when a work assignment reasonably requires access.

### **E. Data Sharing with Authorized Individuals**

State or federal law may authorize the sharing of not public data in specific circumstances. Not public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in applicable Tennessee warnings (See Minnesota Statutes, section 13.04) or the City will obtain informed consent. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law.

## **F. Contracts**

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 8.

## **G. Penalties**

The City will utilize the penalties for unlawful access to not public data as provided for in Minnesota Statutes, section 13.09, if necessary. Penalties included suspension, dismissal, or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge.

## 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 City of Arden Hills is presumed public and accessible to the public for both inspection and copying, unless classified as **Private, Confidential, Non-public, or Protected Non-public** in accordance with federal law, state statute or a temporary classification (Minn. Stat. 13.01).

The City of Arden Hills has appointed the following designees to administer this policy:

City Administrator

Finance Director

Community Development Director

Public Works Director

**Other positions responsible for maintenance of City records are as apparent or assigned.**

**EXHIBIT 2**

**FEES**

**SEE CITY OF ARDEN HILLS FEE SCHEDULE**

*<https://www.cityofardenhills.org/DocumentCenter/View/8/2023-Fee-Schedule-PDF?bidId=>*

**EXHIBIT 3**

**REQUEST TO RELEASE PRIVATE DATA FROM AN INDIVIDUAL**

If you have a question about anything about this consent, or would like more explanation before you sign it, please contact the Responsible Authority (or Designee):

City Clerk  
City of Arden Hills  
1245 W Highway 96, Arden Hills MN 55112  
651-792-7811

I, \_\_\_\_\_, give my permission for the City of Arden Hills to release data about me to \_\_\_\_\_ (name of other entity/person) as described in this consent.

1. The specific data I want the City of Arden Hills to release includes (explain data):
  
2. I understand that I have asked the City of Arden Hills to release the data.
  
3. I understand that although the data are classified as private at the City of Arden Hills, the classification/treatment of the data at \_\_\_\_\_ (name of other entity/person) may not be the same and is dependent on laws or policies that apply to \_\_\_\_\_ (name of other entity/person).

[OPTIONAL] This permission to release expires (date) \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ am/pm.

_____ Signature	_____ Date
_____ Signature of Parent/Legal Guardian	_____ Date

**EXHIBIT 3 *continued***

**REQUEST TO RELEASE PRIVATE DATA FROM GOVERNMENT**

**Explanation of your rights:**

- You have the right to choose what data we release. This means you can let us release all of the data, some of the data, or none of the data listed in this consent. Before you give permission to release the data, we encourage you to review the data listed in this consent.
- You have the right to let us release the data to all, some, or none of the persons or entities listed on this form. This means you can choose which entities or persons may receive the data and what data they may receive.
- You have the right to ask us to explain the consequences for giving your permission to release the data.
- You may withdraw your permission at any time. Withdrawing your permission will not affect the data that we have already released because we had your permission to release the data.
- You may give us permission to discuss the data released by this form with the outside entity. If you choose not to give us permission, you may still allow us to release the data.

If you have a question about anything about this consent, or would like more explanation before you sign it, please contact the Responsible Authority (or Designee):

City Clerk  
City of Arden Hills  
1245 W Highway 96, Arden Hills MN 55112  
651-792-7811

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**PERMISSION TO RELEASE**

I, \_\_\_\_\_, give my permission for the City of Arden Hills to release data about me to \_\_\_\_\_ (name of other entity/person) as described in this consent. I understand that my decision to allow release of the data to \_\_\_\_\_ (name of other entity/person) is voluntary.

1. The specific data that the City of Arden Hills may release to \_\_\_\_\_ (name of other entity/person) are (explain data):
2. I understand the City of Arden Hills wants to release the data for this reason (explain reason):
3. I understand that although the data are classified as private at the City of Arden Hills, the classification/treatment of the data at \_\_\_\_\_ (name of other entity/person) may not be the same and is dependent on laws or policies that apply to \_\_\_\_\_ (name of other entity/person). [INCLUDE OTHER CONSEQUENCES]
4. [OPTIONAL]. I give the City of Arden Hills permission to discuss the data released by this consent with \_\_\_\_\_ (name of other entity/person).

[OPTIONAL] This permission to release expires (date) \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ am/pm.

---

Signature

---

Date

---

Signature of Parent/Legal Guardian

---

Date

**IDENTITY VERIFIED BY:**

Witness: \_\_\_\_\_

Identification: Driver's License, State ID, Passport, other: \_\_\_\_\_

Comparison with signature on file

Other: \_\_\_\_\_  
Responsible Authority/Designee:



**EXHIBIT 4**



**CITY OF ARDEN HILLS  
REQUEST FOR INFORMATION  
Minnesota Government Data Practices Act**

**A. Completed by Requestor**

REQUESTOR NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP CODE:	EMAIL ADDRESS:
SIGNATURE:	
DESCRIPTION OF THE INFORMATION REQUESTED:	

*The City makes every effort to respond to data requests in a reasonable amount of time (generally within five (5) to seven (7) working days). Please note that larger data requests typically require additional time. We appreciate your patience.*

**B. Completed by Department**

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (explain below) <input type="checkbox"/> DENIED (explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ Pages x _____ = _____ <input type="checkbox"/> Special Rate: _____ (attach explanation)	IDENTITY VERIFIED FOR PRIVATE INFORMATION: <input type="checkbox"/> IDENTIFICATION: DRIVER'S LICENSE, STATE I.D., etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE:	DATE:

**EXHIBIT 5**

**GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT  
FOR SUMMARY DATA**

**1. AUTHORIZATION.** City of Arden Hills ("City") hereby authorizes \_\_\_\_\_ ("Authorized Party") access to the following government data:

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

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

- The Authorized Party is the person who requested the summary data and agrees to bear the City's costs associated with the preparation of the data which has been determined to be \$\_\_\_.
- The Authorized Party has been requested by the City to prepare summary data and will be paid in accordance with attached Exhibit 2.

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

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

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

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

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

**5. LIABILITY FOR DISCLOSURE.** The Authorized Party is liable for any unlawful use or disclosure of government data collected, used and maintained in the exercise of this

Agreement and classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

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

**6. INSURANCE.** In order to protect itself as well as the City, the Authorized Party agrees at all times during the term of 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 requestor, a copy of all reports, summaries, compilations, articles, publications or any document or series of documents which are created from the information provided under this Agreement must be made available to the City in its entirety.
- If the Authorized Party is a contractor of the City, all copies of reports, summaries, compilations, articles, publications or any document or series of documents which are created from the information provided under this Agreement must be provided to the City. The Authorized Party may retain one copy for its own records but may not disclose it without City permission, except in defense of claims brought against it.

AUTHORIZED PARTY:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title (if applicable): \_\_\_\_\_

CITY OF ARDEN HILLS

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_

**EXHIBIT 6**

**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 all 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 § 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: \_\_\_\_\_  
(name)

\_\_\_\_\_   
(title)

<b>REQUEST TO WITHHOLD INFORMATION</b>
I request that the following information:
Be withheld from:
For these reasons:
Date: _____ Print Name: _____ Signature: _____

**EXHIBIT 7**

**DATA PRACTICES ADVISORY**

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: \_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT 8

### 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, Minn. Stat. Chap. 13 (the "Act"). 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 from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract. Contractor agrees to return data to the City, as requested by the City.

## APPENDIX A

### PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY CITY

#### 1. Personnel Data (Private)

Minn. Stat. §13.43.

The following data on individuals who are or were an employee, an applicant for employment, volunteer, independent contractor, or member or applicant for advisory board or commission, is public.

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

All data about an individual who is employed as, or an applicant to be, an undercover law enforcement officer is private 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.

## **2. Employment Data (Private)**

Minn. Stat. §13.43.

Data about current and former applicants for employment, except the following which 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)
- Names and addresses of applicants for and members of an advisory board or commission are public.

## **3. 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.

## **4. Security Information (Private)**

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. Absentee Ballots (Private)**

Minn. Stat. §13.37.

Sealed absentee ballots before opening by an election judge.

## **6. Sealed Bids (Private)**

Minn. Stat. §13.37.

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

## **7. Labor Relations Information (Private)**

Minn. Stat. §13.37.

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

## **8. Examination Data**

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.



**9. Elected and Appointed Officials Data (Private)** Minn. Stat. §13.601.

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

Application for appointment data is private, except specified data that is public as part of the application process and additional listed items of data once an individual is appointed.

**10. Benefit Data (Private)** Minn. Stat. §13.642.

All data about individuals participating in the City's housing rehabilitation program.

**11. Civil Investigative Data** 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.

**12. Appraisal Data (Confidential)** Minn. Stat. §13.44 Subd. 3.

Appraisals made for the purpose of selling or acquiring land.

**13. 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.

**14. City Attorney Records** Minn.Stat. §13.393.

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

**15. Safe At Home Participant Data** Minn.Stat. §13.045 Subd 2.

Participants of the Safe at Home Program may have identity and location data which may be classified as private. Participants may submit a Notice of their participation with the Responsible Authority.