



## MAYOR & COUNCIL COMMUNICATION

**DATE: January 6, 2014**

**CONSENT**

**ITEM # 5**

**AGENDA ITEM:** Designating City's Data Practice Officials and Approving City Data Practices Policy

**SUBMITTED BY:** Adam Bell, Assistant City Administrator/City Clerk

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Beckie Gumatz, Deputy Clerk

---

### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** City Clerk/Staff. State law mandates that the City designate data practice officials.

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** The City Council is requested to consider approval of Resolution 2014-02, Designating City's Data Practices Officials and Approving City's Data Practices Policy. There are no changes from the 2013 Data Practices Policy other than the change of designated officials. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the consent agenda, the recommended motion is as follows:

***“Move to approve Resolution 2014-02, Designating City Data Practices Officials and Approving City's Data Practices Policy; specifically, designating Adam Bell as the City's Data Practices Responsible Authority and Beckie Gumatz as Compliance Officer and Approving City's 2014 Data Practices Policy.”***

**LEGISLATIVE HISTORY:** Minnesota State Statute Chapter 13 regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government

entities. MN Statute 13.05 requires the government entity's Responsible Authority to annually update the City's Data Practices Policy and make any changes necessary to maintain the accuracy of the document.

The policy identifies the types of data the City maintains and how each type of data is classified. In addition, the policy provides for written procedures to ensure data requests are received and complied with in an appropriate, permitted, and prompt manner.

The City is required to have two officers to administer responsibilities set forth in the act. The required officers are the Responsible Authority and the Compliance Officer, who by state statute can be, and often are, the same person within a government entity. The Responsible Authority is responsible for collection, use and dissemination of any set of data. The Compliance Officer handles questions or issues with regard to data access. Both of these officials are required to be named specifically, not just as a position responsibility. It is recommended that the City Council designate Adam Bell as the Responsible Authority and Beckie Gumatz as the Compliance Officer.

#### **BACKGROUND INFORMATION (SWOT):**

<b>Strengths</b>	Naming two separate individuals increases the opportunity for legal compliance. Formally adds Data Practice duties and responsibilities to the Deputy Clerk's role.
<b>Weaknesses</b>	There are no identified weaknesses.
<b>Opportunities</b>	The Deputy Clerk will have a greater opportunity to familiarize with Data Practices for increased responsibility within administration.
<b>Threats</b>	There are no identified threats.

**RECOMMENDATION:** The City Council is requested to consider approval of Resolution 2014-02, Designating City's Data Practices Officials and Approving City's Data Practices Policy. There are no changes from the 2013 Data Practices Policy other than the change of designated officials. As part of its consent agenda, no specific motion is required. If Council wishes to remove this item from the consent agenda, the recommended motion is as follows:

***“Move to approve Resolution 2014-02, Designating City Data Practices Officials and Approving City's Data Practices Policy; specifically, designating Adam Bell as the City's Data Practices Responsible Authority and Beckie Gumatz as Compliance Officer and Approving City's 2014 Data Practices Policy.”***

#### **ATTACHMENTS:**

1. Resolution 2014-02