



STAFF REPORT

DATE: January 2, 2018
CONSENT
ITEM #: 4

AGENDA ITEM: Designate Data Practices Officials and Approve City's Data Practices Policy
SUBMITTED BY: Julie Johnson, City Clerk

BACKGROUND:

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 responsibility assigned to a position.

ISSUE BEFORE COUNCIL:

Who should the Council appoint as the City's Data Practices Responsible Authority and Compliance Officer?

PROPOSAL:

The City Council is asked to appoint Data Practices Officials and approve the Data Practices Policy.

OPTIONS:

City Clerk Johnson is currently the City's Data Practices Responsible Authority and Compliance Officer. In the past, the City Clerk and Deputy Clerk have been appointed to fill these roles.

RECOMMENDATION:

The City Council is respectfully requested to approve Resolution 2018-003, Designating the City's Data Practices Officials and Approving City's Data Practices Policy. There are no changes from the prior Data Practices Policy other than updates to the dates and name of 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 adopt Resolution 2018-003 Designating City's Data Practices Officials and Approving City's Data Practices Policy”

ATTACHMENTS:

- Resolution 2018-003
- City of Lake Elmo Data Practices Policy



2018

**DATA PRACTICES
CLASSIFICATION OF
GOVERNMENT DATA**

ACCESS TO DATA BY THE PUBLIC

Access To Data By The Public

While some data maintained by the city is data about individuals, which is presumed to be private, the broader assumption about government data in general is that it is public, and should be readily available to anyone who asks for it. Failure to disclose information that is public is a violation of data practices laws.

Any person (individual or non-individual) can have access to public data simply by making a request to the responsible authority that has jurisdiction over the data. The person has the right to inspect and copy the data at reasonable times and places, and, if the person so requests, will be informed of the data's meaning.

Inspection of Data

There is no fee for inspecting the data (Minn. Stat. Sec. 13.03, subd. 3.) Inspection includes visual inspection of the information in paper or some other medium, such as on the website. Inspection does not include printing copies, unless printing a copy is the only way to inspect the data.

For data stored in electronic form and available to the public through electronic remote access, inspection includes allowing the public to have access to the data so that they can print or download the data from their own computer equipment. The responsible authority may charge a reasonable fee for remote access to data if there is a specific statutory grant of authority.

Data with Commercial Value

When data requested by the public include data that have commercial value (such as a formula, pattern, compilation, program, device, method, technique, etc) and a substantial and discrete portion of the data was developed with a significant expenditure of public funds, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying and compiling the copies (Minn. Stat. Sec. 13.03, subd. 3(d)). Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information.

Computer Storage Medium

If the requested data is maintained in a computer storage medium, the responsible authority must provide a copy of the data contained in that medium in electronic form if the city can reasonably do so (Minn. Stat. Sec. 13.03, subd. 3(e)).

Time Limits For Response

Copies of public information should be disclosed as soon as reasonably possible. Work on compiling copies should begin immediately upon request. If the request cannot be honored immediately the city should, as a matter of courtesy, send a letter to the requester acknowledging receipt of the request and giving the requester an estimate of the time it will take to compile and send the information.

CLASSIFICATIONS OF GOVERNMENT DATA

Classifications of Government Data

The Minnesota Government Data Practices Act defines Government Data as all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use (Minn. Stat. Sec. 13.02, subd. 7).

Government Data are separated into classifications and the classification of data determines their accessibility by the public. 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 attached as Exhibit A.

Data On Individuals

Data on individuals are defined as government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data is not accessed by the name or other identifying data of any individual.

There are three classifications of data on individuals :

- **Public** -- This is data about individuals which can be disclosed to anyone for any purpose, e.g. names and salaries of city employees.

- **Private** -- This is data about individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data.

- **Confidential** -- This is data about individuals that even the individuals themselves cannot be told, e.g., information from an investigation about welfare fraud or in adoption records. Note, however, that even if the confidential data itself cannot be disclosed to individuals, individuals do retain the right to know whether an agency is maintaining confidential data about them. Confidential information may be given to people who are authorized access by federal, state or local law or court order or people within the city staff, the city council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Data Not On Individuals

Data not on individuals are government data about non-individuals, such as organizations including partnerships, corporations, associations, etc.

- **Public** -- This is data about non-individuals, such as businesses, which can be disclosed to anyone for any purpose, e.g., names of vendors who have contracts with the city.

- **Private** -- This is data about non-individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data, e.g., certain financial information about businesses.

- **Protected Non-public** -- This is data about non-individuals, which is available only to government entities with a legal right to know it. A corporation being investigated for fraud, for example, would not have a right to the information being collected during the investigation.

Information Technology Policy

Information Policy Compliance and Consequences

All City of Lake Elmo users, including employees, volunteers and contractors, who have rights to access or modify city information in any media, or who use city computers, business applications or electronic communication resources, must comply with Lake Elmo Information Policy, the federal Health Insurance Portability and Accountability Act (HIPAA), the Minnesota Government Data Practices Act and all other laws or rules governing the protection of data. Failure to comply is grounds for sanction and/or disciplinary action up to and including termination of employment, cancellation of contract and/or loss of resource privileges. Failure to comply may also result in notification to law enforcement officials and regulatory, accreditation and licensure organizations.

Use of any City of Lake Elmo information technology devices will be limited to employees. All files of any kind, including electronic mail disseminated or received utilizing city devices or software or which resides on computers within the City of Lake Elmo should not be considered as private and employees shall have no expectation of privacy. The contents of electronic mail will not normally be monitored, censored, or otherwise examined unless there is reason to believe the usage is being abused. City investigations, law enforcement investigations, or court order or data practices request may require the examination and release of any file or document, including electronic files such as electronic mail.

Electronic Mail (Email):

Purpose of Email: the email system is a tool to be used for matters directly related to the business activities of city employees and as a means to further the mission by providing services that are efficient, accurate, timely and complete.

Public Nature of Email: email is a public record like any other public document. Email may be searched for evidence in any legal proceeding. By using the email system, the employee consents that in the event of suspicious activity their email system may be searched for evidence gathering purposes.

E-mail messages are subject to regulation under the Minnesota Data Practices Act. As such, all e-mails unless private (content determines public or private) should be considered public information.

Policy: employees are responsible for adhering to business standards when email is created, sent, forwarded or saved. Failure to adhere puts the organization and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences. Employees should not keep e-mail for an extended period of time. If it is a critical e-mail

correspondence, it should be saved as a hard copy or as a text file and moved to the server. Delete all inbox, sent, and deleted messages that are no longer needed.

Members of the Public

Right to Access Public Data

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

The Data Practices Act also provides that the City of Lake Elmo must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep.

You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Make a Data Request

To look at data or request copies of data that the City of Lake Elmo keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page eight. You may make your written request for data by mail, using the data request form on page ten.

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

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

The City of Lake Elmo cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In

addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your written request, we will work to process it. If we do not have the data, we will notify you in writing as soon as reasonably possible. If we have the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law says the data are not public.

If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:

- 1) Arrange a date, time, and place to inspect data, for free, if your request is to view the data, or
- 2) Provide you with copies of the data as soon as reasonably possible.

You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

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

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

The Data Practices Act does not require us to answer questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a

means to gain access to private or confidential data. The City of Lake Elmo will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. Upon receiving your written request – you may use the data request form on page ten – we will respond within ten business days with the data or details of when the data will be ready and what the cost will be.

Data Subjects

Data about You

The Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

Classification of Data about You

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

Public data: We must give public data to anyone who asks; it does not matter who is asking for the data or why. The following is an example of public data about you: *if you are an employee of a government entity, the fact that you work for the entity, and your job title and bargaining unit is public.*

Private data: We cannot give private data to the general public, but you have access when the data are about you. The following is an example of private data about you: *your Social Security number.*

We can share your private data with you, with someone who has your permission, with City of Lake Elmo staff who need the data to do their work, and as permitted by law or court order.

Confidential data: Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. The following is an example of confidential data about you: *if you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential.*

We can share confidential data about you with City of Lake Elmo staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

Your Rights under the Data Practices Act

The City of Lake Elmo must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

Your Access to Your Data: You have the right to view (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies. Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you may have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City of Lake Elmo not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. Note: Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

When we Collect Data from You: When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessee warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must use the

consent form we provide.

Protecting your Data: The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

When your Data are Inaccurate and/or Incomplete: You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

To look at data, or request copies of data that the City of Lake Elmo keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts document on page ten. You may make your written request by mail using the data request form on page twelve.

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

1. That you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
2. Whether you would like to inspect the data, have copies of the data, or both;
3. A clear description of the data you would like to inspect or have copied; and
4. Identifying information that proves you are the data subject, or data subject's parent/guardian.

The City of Lake Elmo requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity document located on page thirteen.

How We Respond to a Data Request

Once you make your written request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you in writing within 10 business days.

- If we have the data, but the data are confidential or private data that are not about you, we will notify you in writing within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 1. Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 2. Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page nine.

After we have provided you with access to data about you, we do not have to show you the data again for six months unless there is a dispute or we collect or create new data about you. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide additional explanation.

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

CITY OF LAKE ELMO
Data Practices Contacts

Responsible Authority

Julie Johnson, City Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
jjohnson@lakeelmo.org

Data Practices Compliance Official

Julie Johnson, City Clerk
3800 Laverne Avenue North, Lake Elmo, MN 55042
Phone: 651.747.3900
Fax: 651.747.3901
jjohnson@lakeelmo.org

Copy Costs – Members of the Public

The City of Lake Elmo charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). Copies must be paid for prior to receiving.

For 100 or Fewer Paper Copies – 25 Cents per Page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

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

The cost of employee time to search for data, retrieve data, and make copies will be calculated at the actual hourly rate of the employee.

Copy Costs - Data Subjects

The City of Lake Elmo charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3. Copies must be paid for prior to receiving.

Actual Cost of Making the Copies

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

copies.

The cost of employee time to make copies will be calculated at the actual hourly rate for the employee.

**City of Lake Elmo
Data Request Form – Members of the Public**

Date of request: _____

I am requesting access to data in the following way:

Note: inspection is free, for copies the City of Lake Elmo charges \$0.25 per page for 100 or fewer one-sided pages of black and white, letter or legal size paper copies cost or 50¢ for a two-sided copy.

Inspection Copies Inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone number: _____ Email address: _____

You do not have to provide any of the above 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.

City of Lake Elmo

Data Request Form – Data Subjects

Date of request: _____

To request data as a data subject, you must show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

Inspection Copies Inspection and copies

Note: inspection is free, for copies we charge \$0.25 per page for up to 100 pages (\$0.50 two sided up to 50 pages) or employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies. The cost of employee time to make copies is calculated at the actual hourly rate of the employee.

Description of data requested:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Data subject name_____

Parent/Guardian name (if applicable) _____

Address_____

Phone number_____

Email address_____

Signature of Data Subject or Parent/Guardian_____

Staff Verification

Identification provided_____

Standards for Verifying Identity

The following constitute proof of identity.

An **adult individual** must provide a valid photo ID, such as

- state driver’s license
- military ID
- passport
- Minnesota ID
- Minnesota tribal ID

A **minor individual** must provide a valid photo ID, such as

- state driver’s license
- military ID
- passport
- Minnesota ID
- Minnesota Tribal ID
- 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

- court order relating to divorce, separation, custody, foster care
- foster care contract
- 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.

CITY OF LAKE ELMO

NOTICE TO ALL APPLICANTS FOR MUNICIPAL PERMITS, LICENSES, OR OTHER MUNICIPAL ACTION

1. If you are requesting municipal action on any request for any of the above, you will be required to furnish certain information about yourself, the project you are involved in, or other matters pertaining to the application. Some of the information you are asked to provide 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.
2. The purpose of this information is to enable the City of Lake Elmo or other government agencies to evaluate relevant factors in considering your request. You are not legally required to provide this information. If you do not provide the requested information, the City may not act upon your request.
3. The information you supply will be public and available to any entity requesting to inspect the information.

**DATA PRACTICES ADVISORY
TENNESSEN WARNING
REQUIRED BY MINNESOTA STATUTES CHAPTER 13.04**

BY _____

COMPANY/TITLE: _____

NON-PUBLIC DATA MAINTAINED BY CITY (EXHIBIT A)

1. Personnel Data (Private)

Minn. Stat. §13.43

All data on all individuals who are or were an employee, an applicant for employment, volunteer, independent contractor, or member or applicant for advisory board or commission is private, except the following which is public:

- Name
- Employee identification number (not the employee's Social Security number)
- Actual gross salary
- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job description, job title and bargaining unit
- Education and training background
- Relevant test scores and rank on eligible list
- Previous work experience

- Date of first and last employment
- Veteran status
- The existence and status (but not nature) of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in discipline
- Final disposition of any disciplinary action, together with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the city
- Terms of any agreement settling any dispute arising from the employment relationship, including a “buyout” agreement
- Work availability
- Work location
- Work telephone 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
- Names and addresses of applicants for and members of an advisory board or commission
- 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)

If it is 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 pre-petition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting agency.

All other data is private but may be released pursuant to a court order. Data pertaining to an employee’s dependents are private data on individuals.

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. 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. This also includes interior sketches, photos, or plans of buildings where detailed information about alarm systems or similar issues could jeopardize security.

4. Sealed bids (Non-public)

Minn. Stat. §13.37

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

5. Trade Secret Information (Non-public)

Minn. Stat. §13.37

Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the City, (2) that is the subject of efforts by the City 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.

6. 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.

7. Elected Officials Correspondence (Private)

Minn. Stat. §13.601

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

8. Federal Contracts Data (Non-public)

Minn. Stat. §13.35

To the extent that a federal agency requires it as a condition for contracting with the city, all government data collected and maintained by the city is classified as private

or nonpublic depending on whether the data are data on individuals or data not on individuals.

9. 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.

10. Appraisal Data (Confidential or Non-public) **Minn. Stat. §13.44**

- a. Estimated or appraised values of individual parcels of real property that are made by personnel of the city or by independent appraisers acting for the city for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.
- b. Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from the city are classified as private data on individuals or nonpublic data.

The data become public upon the occurrence of any of the following:

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

11. Personal and intangible property; appraisal data (Non-public)
Minn. Stat. §13.44

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

12. Social Security numbers (Private) **Minn. Stat. §13.355**

The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a government entity are private data on individuals, except to the extent that access to the Social Security number is specifically authorized by law.

13. Recreation/Social Programs Data (Private) Minn. Stat. §13.57

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. Planning Survey Data (Private/Non-public) Minn. Stat. §13.43

The following data collected in surveys of individuals conducted by the city for the purpose of planning, development and redevelopment are classified as private or nonpublic: names and addresses of individuals and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.

15. City Attorney Records Minn. Stat. §13.30

The use, collection, storage, and dissemination of data by the city attorney are 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.

16. Electronic Access Data Minn. Stat. §13.15

Data created, collected, or maintained about a person's access to a city computer for the purpose of gaining access to data or information, transferring data or information are private data on individuals or nonpublic data.

17. Service Cooperatives Claims Data Minn. Stat. §13.43

Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through the Minnesota service cooperatives to the city, and survey information collected from employees and employers participating in these

plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

Consent to Release – Request from a Government Entity

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 on this form. Before you give us permission to release the data, we encourage you to review the data listed on this form. 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.

If you have a question about anything on this form, or would like additional information or explanation, please contact Julie Johnson, City Clerk, 3800 Laverne Avenue North, Lake Elmo, Minnesota 55042; 651.747.3900 or jjohnson@lakeelmo.org, before signing.

I, _____, give my permission for the City of Lake Elmo to release data about me to _____ as described on this form. I understand that my decision to allow release of the data to _____ is voluntary.

1) The specific data that the City of Lake Elmo may release:

_____.

2) I understand the City of Lake Elmo wants to release the data for this reason:

_____.

3) I understand that although the data are classified as private at the City of Lake Elmo, the classification/treatment of the data at _____ depends on laws or policies that apply to _____. This authorization to release the data expires on _____.

Individual data subject's signature _____

Date _____

Parent/guardian's signature [*if necessary*] _____

Date _____

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2018-003

**A RESOLUTION DESIGNATING CITY'S DATA PRACTICES OFFICIALS AND
APPROVING CITY'S DATA PRACTICES POLICY**

WHEREAS, Minnesota Statutes, Chapter 13, requires the adoption of certain policies and procedures pertaining to government data practices; and

WHEREAS, the statute also requires the appointment of a data practices compliance official, a data practices responsible authority and optional designee(s) to enforce the data practices policies of government agencies.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Lake Elmo, that the attached City of Lake Elmo Data Practices Policy, together with the exhibits attached thereto, are hereby adopted and approved as if fully set forth herein; and

BE IT FURTHER RESOLVED, that City Clerk Julie Johnson will be appointed to serve as the city's data practices responsible authority and data practices compliance official.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS
SECOND DAY OF JANUARY 2018.**

**CITY COUNCIL
CITY OF LAKE ELMO**

By: _____
Mike Pearson
Mayor

ATTEST:

Julie Johnson
City Clerk