

## MISCELLANEOUS - PUBLIC ACCESS TO GOVERNMENT DATA AND RIGHTS OF SUBJECTS OF DATA

### I. PURPOSE

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its personnel.

### II. GENERAL STATEMENT OF POLICY

A. All data on individuals collected, created, received, maintained or disseminated by the school district, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.

B. All other data on individuals is private or confidential.

### III. DEFINITIONS

A. "Public" means that the data is available to anyone who requests it.

B. "Private" means the data is available to the subject of the data and to school district staff who need it to conduct the business of the school district.

C. "Confidential" means the data is not available to the subject.

D. "Parking space leasing data" means the following government data on an application for, or lease of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment and work telephone number.

E. "Personnel data" means data on individuals collected because they are or were employees of the school district, or an individual was an applicant for employment, volunteers for the school district, or is a member of or applicant for an advisory board or commission.

F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.

### IV. PUBLIC PERSONNEL DATA

A. The following information on employees, including volunteer and independent contractors, is public:

1. name;

*ISD NO. 31*

*SBR 900-20-1*

*ORIGINAL: 26 FEBRUARY 2001*

*PAGE 1 OF 4*

*Legal References:*

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*

*Minn. Stat. § 13.02 (Definitions)*

*Minn. Stat. § 13.43 (Personnel Data)*

*Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)*

2. actual gross salary;
3. Salary range;
4. contract fees;
5. actual gross pension;
6. the value and nature of employer-paid fringe benefits;
7. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
8. job title;
9. bargaining unit;
10. job description;
11. education and training background;
12. previous work experience;
13. date of first and last employment;
14. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
15. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the 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 school district;
16. the terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buy out agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
17. work location;
18. work telephone number;
19. badge number;
20. honors and awards received;
21. payroll time sheets or other comparable data that are used only 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 not public data;
22. city and county of residence.

B. Personnel data may be disseminated to labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or when authorized by the Commissioner of the Bureau of Mediation Services.

C. The following information on applicants for employment or advisory board/commission is public:

1. veteran status;
2. relevant test scores;
3. rank on eligible list;
4. job history;

*ISD NO. 31*

*SBR 900-20-1*

*ORIGINAL: 26 FEBRUARY 2001*

*PAGE 2 OF 4*

***Legal References:***

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*

*Minn. Stat. § 13.02 (Definitions)*

*Minn. Stat. § 13.43 (Personnel Data)*

*Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)*

5. education and training;
6. work availability.

D. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.

E. Names and home addresses of applicants for appointment to and members of an advisory board/commission are public.

F. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

## V. PRIVATE PERSONNEL DATA

A. All other personnel data is private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.

B. Data created, collected or maintained by the school district to administer employee assistance programs are private.

C. Parking space leasing data is private.

D. The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.

E. The school district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:

1. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
2. A pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
3. A court, law enforcement agency or prosecuting authority.

F. A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.

*ISD NO. 31*

*SBR 900-20-1*

*ORIGINAL: 26 FEBRUARY 2001*

*PAGE 3 OF 4*

*Legal References::*

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*

*Minn. Stat. § 13.02 (Definitions)*

*Minn. Stat. § 13.43 (Personnel Data)*

*Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)*

G. The school district shall make any report to the board of teaching or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.

H. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the reemployment insurance program under Minn. Ch. 268.

## VI. MULTIPLE CLASSIFICATIONS

If data on individuals is classified as both private and confidential by Chap. 13, or any other state or federal law, the data is private.

## VII. CHANGE IN CLASSIFICATIONS

The classification of data in the possession of the school district shall change if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

## VIII. RESPONSIBLE AUTHORITY

The school district has designated *[name and title, telephone]* as the authority responsible for personnel data. If you have any questions, contact *[him/her]*.

## IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

An employee authorization form is included as an addendum to this policy.

ISD NO. 31

SBR 900-20-1

ORIGINAL: 26 FEBRUARY 2001

PAGE 4 OF 4

### *Legal References:*

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*

*Minn. Stat. § 13.02 (Definitions)*

*Minn. Stat. § 13.43 (Personnel Data)*

*Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)*