



Guide for Members of the Public Requesting Information

City of Bemidji MN

This document is required by Minnesota Statutes, Section 13.025, Subdivision 2.

Adopted by Bemidji City Council 2/20/2018

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 Bemidji 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 Bemidji keeps, make a written data request. You may make your written request by filling in the Data Disclosure Request form – on Page 5. This form may be returned to City Hall in person or by mail at 317 4th Street NW, Bemidji, MN 56601, by fax (218-759-3590), or by e-mail (cityclerk@ci.bemidji.mn.us).

The City of Bemidji 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:
 - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - 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 4.

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

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.)

In addition, 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 Watertown will prepare summary data if you make your request in writing and pay for the cost of creating the data. Upon receiving your written request – you may use the data request form. We will respond within ten (10) business days with the data or details of when the data will be ready and how much we will charge.

Data Practices Contact(s)

Responsible Authority Michelle Miller, City Clerk
Bemidji City Hall
317 4th Street NW
Bemidji, MN 56601
218-759-3570

Copy Costs – Members of the Public

The City of Bemidji charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

Letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy. Color copies are 50 cents for one-sided copy or \$1.00 for two-sided copy. You must pay for the copies before we give them to you. The City of Watertown will not charge for items sent electronically if they can be easily retrieved from the City's server and attached to an e-mail.

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 is \$50.00 per hour. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

CITY OF BEMIDJI DATA DISCLOSURE REQUEST & COST CALCULATION FORM

Fees charged are in accordance with MN Statutes Section 13.03 (3).

A. COMPLETED BY REQUESTER

You are being asked to supply the following information that may be private or confidential data about yourself. The data will be used by this department and those employees whose job reasonably requires access to the data to determine if you have the right to access the requested data. The contact information will be used to let you know when the requested data are available. Refusal to supply the information may result in a delay of the availability of the requested data. If you refuse to supply the [information](#) then it is your responsibility to contact the necessary department to determine the status of the request.



REQUESTER NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP CODE:	EMAIL:
I AM REQUESTING ACCESS TO DATA IN THE FOLLOWING WAY: <input type="checkbox"/> COPIES <input type="checkbox"/> INSPECTION <input type="checkbox"/> INSPECTION AND COPIES	
I WOULD LIKE TO RECEIVE THE DATA REQUESTED BY THE FOLLOWING: <input type="checkbox"/> EMAIL <input type="checkbox"/> MAIL <input type="checkbox"/> PICK UP IN PERSON	
PLEASE DESCRIBE THE DATA YOU ARE REQUESTING AS SPECIFICALLY AS POSSIBLE. IF YOU NEED MORE SPACE, ATTACH ADDITIONAL PAGE(S):	
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
SUBMIT COMPLETED DATA REQUEST FORM EITHER IN PERSON OR BY MAIL TO CITY HALL, 317 4 TH STREET NW, BEMIDJI, MN 56601 OR VIA EMAIL AT CITYCLERK@CI.BEMIDJI.MN.US . QUESTIONS CAN BE DIRECTED TO 218-759-3570	

City of Bemidji will respond to your request as soon as reasonably possible.

B. COMPLETED BY DEPARTMENT

DEPARTMENT:	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:	
ESTIMATED CHARGE FOR THIS SERVICE: <input type="checkbox"/> NONE <input type="checkbox"/> Copies B&W _____ Pages x _____ Rate _____ * Copies Color _____ Pages x _____ Rate _____ * <input type="checkbox"/> Staff Time _____ hrs. x _____ Rate = _____ Staff Time _____ hrs. x _____ Rate = _____ <input type="checkbox"/> Postage, Mailing _____ = _____ *Tax (7.875%) = _____ TOTAL DUE \$ _____	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: _____
DATE RECEIVED: _____ DATE OF CLARIFICATION: _____	
DATE RESPONDED: _____	



Policy for Ensuring the Security of Not Public Data

City of Bemidji MN

This document is required by Minnesota Statutes, Section 13.025, Subdivision 5.
Adopted by City Council 2/20/2018

Legal Requirement

The adoption of this policy by the City of Bemidji satisfies the requirement in Minnesota Statutes, Section 13.05, Subd. 5, to establish procedures ensuring appropriate access to not public data. By incorporating employee access to not public data in City of Bemidji’s Data Inventory (required by Minnesota Statutes, Section 13.025, Subd. 1) in the individual employee’s position description, or both, City of Bemidji’s policy limits access to not public data to employees whose work assignment reasonably requires access.

Please direct all questions regarding this policy to the City of Bemidji’s Data Practices Compliance Official:

Katie Nolting, City Attorney
katie.nolting@ci.bemidji.mn.us
Phone: 218-759-3580
Fax: 218-759-3590
317 4th Street NW
Bemidji, MN 56601

Procedures Implementing Policy

Data Inventory

Under the requirement in Minnesota Statutes, Section 13.025, Subd. 1, the City of Bemidji has prepared a Data Inventory which identifies all not public data on individuals maintained by the City of Bemidji. To comply with the requirement in Section 13.05, Subd. 5, the City of Bemidji has modified its Data Inventory to represent the employees who have access to not public data. The City of Bemidji Responsible Authority, the Compliance Data Practice Compliance Official, City Manager and Designee may have access to not public data for specified duties. Any access to not public data will be strictly limited to the data necessary to complete the work assignment.

Employee Position Descriptions

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

Data Sharing with Authorized Entities or 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 individual’s informed consent will be obtained. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law.

Ensuring That Not Public Data is Secure

The City of Bemidji will ensure that not public data is secure by keeping it locked in file cabinets within the City of Bemidji City Hall. Other procedures include shredding not public data documents before disposing of them. Following the City’s approved record retention schedule for disposing of documents.

Penalties for Unlawfully Accessing Not Public Data

The City of Bemidji will utilize the penalties for unlawful access to not public data as provided for in Minnesota Statutes, Section 13.09, if necessary. Penalties include suspension, dismissal or referring the matter to the appropriate prosecutorial authority.

**Data on Individuals
Maintained by the City of Bemidji**

This document identifies the name, title and address of the Responsible Authority for the City of Bemidji and describes private or confidential data on individuals maintained by the City of Bemidji (Minnesota Statute 13.05 and Minnesota Rules 1205.1200)

This document is also part of the City of Bemidji’s procedures for ensuring that not public data are only accessible to individuals whose work assignment reasonably requires access (Minnesota Statute 13.05, Subd. 5). The City of Bemidji Responsible Authority, the Data Practices Compliance Official, City Administrator and Designee will have access to all not public data on an as needed basis as part of a specific work assignment.

The City of Bemidji’s Responsible Authority is:

Michelle Miller, City Clerk
City of Bemidji
317 4th Street NW
Bemidji, MN 56601

Direct all questions about this document to the City of Bemidji’s Data Practices Compliance Official:

Katie Nolting, City Attorney
City of Bemidji
317 4th Street NW
Bemidji, MN 56601

DATA MAINTAINED BY THE CITY OF BEMIDJI

The following data are maintained by the City of Bemidji and kept in locked cabinets located in City Hall and can be accessed by certain employees on an as needed basis as part of specific work assignments:

<u>Name of Record</u>	<u>Description</u>	<u>Classified</u>	<u>Statute</u>
Benefit Enrollments	Employees' medical, dental, etc. election forms	Private	MS 13.43
Drug/Alcohol Tests	Test results and any accompanying information	Public/Private	MS 13.43
Family Medical Leave Documents	Retained in employee medical file	Private	MS 13.43
Grievance Files	Formal written employee grievance and/or Complaint filed.	Public/Private	MS 13.43
Employee I-9 Form	Verifies status of citizenship or naturalization	Private	MS 13.43
Personnel Files	Relevant records on each employee	Public/Private	MS 13.43
Recruitment Files	Records relating to posting, recruitment, selection	Public/Private	MS 13.43
Reprimands	Disciplinary Action	Public/Private	MS 13.43
Unemployment Claims/Compensation		Public/Private	MS 13.43
Medical Records	Information concerning health status	Public/Private	MS 13.43
OSHA Reports	Incident reports and annual summary	Public/Private	MS 13.43



CITY OF BEMIDJI DATA PRACTICES POLICY

I. Introduction.

- A. These procedures are adopted to comply with the requirements of the Minnesota Government Data Practices Act found at Minnesota Statutes, Chapter 13, as amended (the “Act”). Specifically, these procedures and the guides discussed below have been adopted to comply with Minnesota Statutes, Sections 13.03, subdivision 2, and 13.05, subdivisions 5 and 8.
- B. Guides. In addition to the procedures set forth in this document, the City of Bemidji (“City”) adopts two guides regarding government data. The first is titled “Guide for Members of the Public Requesting Government Data,” and the second is titled “Guide for Data Subjects Requesting Government Data.” The guides have been prepared to provide information to the public and data subjects, respectively, regarding the City’s data practices procedures. These procedures and the guides, together, constitute the City’s policies regarding government data.
- C. Interpretation. The City intends to remain in compliance with the Act, and if any procedure contained in these procedures or the guides is inconsistent with the requirements of the Act, as amended, the specific provisions of the Act shall control.

- ### II. Responsible Authority, Designees, and Practices Compliance Official.
- Pursuant to the Act, the City Council is required to appoint a person that is responsible for the collection, use and distribution of government data (the “Responsible Authority”). The Responsible Authority, in turn, may appoint designees to carry out the Responsible Authority’s required duties (the “Designees”). Further, the Responsible Authority must appoint a Data Practices Compliance Official (the “Compliance Official”) to handle questions or issues that may arise in regard to data access. **Exhibit 1** to these procedures lists: i) the Responsible Authority appointed by the City Council; ii) the Designees appointed by the Responsible Authority, if any; and iii) the Compliance Official appointed by the Responsible Authority. The Responsible Authority shall provide training to Designees and staff at such times and in such a manner as the designated Responsible Authority determines is appropriate to inform them of their obligations under the Act. The Responsible Authority is also authorized to amend or supplement the Exhibits attached to these procedures as needed to further the intent of these procedures and the City’s compliance with the Act. For purposes of carrying out these procedures, the term Responsible Authority shall include Designees unless the context in which the term is used indicates a different intent.

- ### III. Types of Governmental Data.
- The Act applies to government data. Government data is defined in the Act to include “all data collected, created, received, maintained or disseminated” by the City “regardless of physical form, storage media or conditions of use.” The Act divides government data into three broad classifications: i) data on individuals; ii) data on decedents; and iii) data not on individuals or decedents. All government data is presumed to be public unless there is a specific statute, federal law or temporary classification that classifies it otherwise. The only time this

presumption is not true is in the case of City personnel data, where the presumption is reversed. All personnel data is presumed to be private unless a specific state statute or federal law classifies it as public. As required by the Act, **Appendix A** to these procedures lists the private and confidential data on individuals that the City maintains. The remaining sections of this procedure describe who has access to government data held by the City and, when access is allowed, the procedure that a person can use to obtain access.

IV. Access to Public Data

- A. People Entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request. Any person has the right to inspect or view public data. The person does not need to state his or her name or give the reason for the request. Additionally, any person has the right to obtain a copy of public data, except in the case of copyrighted materials in the possession of the City for which the City does not have express written permission to reproduce (**Exhibit 9**). Copyrighted public documents may be shown to anyone but shall not be reproduced or photocopied without express written permission from the copyright holder.
- The Responsible Authority reserves the right to refuse to provide copies of copyrighted data in accordance with the copyright law of the United States (Title 17, United States Code) which governs the making of photocopies or other reproductions of copyrighted material.
 - Public documents created by the City of Bemidji and/or its officials and employees on behalf of the City do not qualify for copyright protection and shall be available for viewing and reproduction in accordance with the Act. In certain cases, the City may enforce a copyright or acquire a patent for a computer software program or components of a program created by the City. In such cases, the data shall be treated as trade secret information.
- B. Form of Request.** Any request to view or receive copies of public data must be in writing. The form to request data can be found in the Guide for Members of the Public Requesting Government Data, which is available from the City upon request.
- C. Identification of Requesting Party.** The Responsible Authority may not require the requesting party to provide identification to view public documents unless contact information is required in order to clarify the request. Examples of when identifying information may be requested include, but are not limited to, obtaining a mailing address when the person has requested that copies be mailed or requesting identification when copies have been paid for by check. The Responsible Authority must also verify the identity of the requesting party as a person entitled to reproductions when reproductions of copyrighted public data are requested. Identity can be established through personal knowledge, presentation of photo 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. Form of Copies. Where public data is maintained in a computer storage medium, the Responsible Authority shall provide copies of the public data in electronic form upon request, provided a copy can reasonably be made in that form. The Responsible Authority is not required to provide the data in an electronic format or program that is different from the format or program in which the Responsible Authority maintains the data. The Responsible Authority may charge a fee for the actual cost of providing the electronic copy.

E. Time Limits.

Requests. Requests will be received and processed only during normal business hours.

Response. Except as provided in the next sentence, the City's response will be provided as soon as is reasonably possible. If data is requested by an individual that is the subject of the data, the City will provide a response within ten (10) days of the date of request, except Saturday, Sundays and legal holidays.

The Responsible Authority will respond to public data requests as soon as reasonably possible. The Responsible Authority may require the requesting person to make an appointment or return at a later time to inspect or to pick up copies of the requested data.

F. Fees.

Anyone may inspect or view public data for any reason without charge. Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the Guide for Members of the Public Requesting Government Data if the request is made by a member of the public that is not the subject of the data. If the request is made by the subject of the data, fees will be charged as described in the Guide for Data Subjects Requesting Government Data. Both Guides are available from the City upon request.

V. Access to Private and Confidential Data on Individuals. Government data on individual people is classified by law as public, private, or confidential. A list of the private and confidential data maintained by the City is contained in **Appendix A**.

A. People Entitled to Access.

- Public information about an individual may be shown or given to anyone.
- Private information about an individual may be shown or given to:
- The individual, but only once every six months, unless a dispute has arisen or additional data has been collected. A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as **Exhibit 4**, or a form reasonably similar. People who are authorized access by the federal, state, or local law or court order. People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the Tennessee warning described below.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- Confidential information may not be given to anyone, including the subject of the data, but may be shown or given to:
 - People who are authorized access by federal, state, or local law or court order.

- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

B. Form of Request.

Any individual may request, which must be in writing, on a form supplied by the City (**Exhibit 2**), whether the City has stored data about that individual and whether the data is classified as public, private, or confidential. All requests to see or copy private or confidential information must be in writing, on a form supplied by the City. 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.

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 5 working days if an immediate response is not possible. The City may have an additional 5 working days to respond if it notifies the requesting person that it cannot comply within 5 days. If the request will take a substantial amount of time to compile, the City must notify the requestor of an estimated time that the information will be available. Such time limit must be reasonable.

E. Fees. Fees may be charged in the same manner as for public data, except when the requestor is the subject of the data. When the requestor is the subject of the data, the requestor shall be allowed to inspect data without charge and if the requestor wants copies of the data, the City shall require the requestor to pay the actual cost of making, certifying and compiling the copies in the same manner as when actual costs are charged to provide copies of public data.

F. Summary Data. Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The Responsible Authority or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Responsible Authority or designee must notify the requesting party about the estimated costs of preparing and supplying the summary data within ten (10) days of receiving the request. Following receipt of the costs, the summary data shall be prepared and supplied to the requestor within ten (10) days after receiving payment. If the summary data cannot be prepared within ten (10) days, the Responsible Authority must notify the requestor of the anticipated time schedule and the reasons for the delay. **Exhibit 3.**

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**.

G. Records of Minors and Incapacitated Persons as defined by Minnesota Statutes 524.5-102, subdivision 6. The following applies to private (not confidential) data about persons under the age of 18 and about those persons who are incapacitated as defined by Minnesota Statutes 524.5-102, subdivision 6.

- **Parental/Guardian Access.** In addition to the people listed above who may have access to private data, a Parent of an individual may have access to private data about a minor or an incapacitated person. For the purposes of these procedures, “Parent” means a natural parent of the minor, a guardian or an 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 minor has requested the Responsible Authority or Designee to withhold the data and withholding the data would be in the best interest of the minor, or it has been given evidence that there is a state law, court order, or other legally binding document, which prohibits this right.
- **Notice to Minor and Incapacitated Persons.** Before requesting private data from a minor or incapacitated person, City staff shall notify the minor or incapacitated person that he or she may request that the data not be given to a Parent (as defined above). This notice should be in the form attached as **Exhibit 6**.
- **Denial of Parental/Guardian 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. Whether the individual is of sufficient age and maturity to explain the reasons and understand the consequences,
 - Whether denying access may protect the individual from physical or emotional harm,
 - Whether there are reasonable grounds to support the individual’s reasons, and
 - Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes, Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the individual.

The Responsible Authority or Designee may also deny access to a Parent without a request from the minor or incapacitated person under Minnesota Statutes, Section 144.335.

VI. Access to Private and Confidential Data on Decedents. Private data on decedents means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary

classification as private data. Confidential data means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data. A list of private and confidential data maintained by the City is contained in Exhibit 2. Information about individuals who are deceased will be treated the same as data that is about individuals who are living except that private and confidential data on decedents will become public data ten (10) years after the death of the data subject and thirty (30) years after the creation of the data in accordance with Minnesota Statutes, Section 13.10, subdivision 2. An individual is presumed dead if either ninety (90) years elapsed since the creation of the data or ninety (90) years have elapsed since the individual's birth, whichever is earlier, except that an individual is not presumed to be dead if the Responsible Authority has information readily available to it indicating the individual is still living.

A. People Entitled to Access.

- **Public data** about a decedent may be shown or given to anyone for any reason.
- **Private data** about a decedent may be shown or given to:
 - o The representative of the decedent, but only once every six (6) months, unless a dispute has arisen or additional data has been collected. A "representative of the decedent" means a personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed or after discharge, the surviving spouse, any child of the decedent, or, if there is no surviving spouse or children, the parents of the decedent.
 - A person who has been given access by the express written consent of the decedent prior to their expiration or by the express written consent of the legal representative of the decedent.
 - A person authorized to have access by federal, state, or local law or court order.
 - A person about whom the decedent or legal representative was advised at the time the data was collected. The identity of those people must be part of the Tennesen warning described below.
 - A person who is a member of the City staff, the City Council, or outside agents (such as attorneys) whose work assignment or responsibility reasonably requires access.
 - o Confidential data may not be given to the legal representative of the decedent, but may be given or shown to:
 - o A person authorized to have access by federal, state, or local law or court order.
 - o A person who is a member of the City staff, the City Council, or outside agents (such as attorneys) whose work assignment or responsibility reasonably requires access.

B. Form of Request. Any request to view or receive copies of private or confidential data on an individual must be in writing. Such data will be released depending on whether or not the City has stored the data requested and whether the data is classified as public, private, or confidential. If a representative of the decedent is making the request, the requestor can use the written request form attached to the Guide for Members of the Public Requesting Government Data. In this circumstance, however, the representative of the decedent shall note his or her authority on the written request form and sign as the representative of the decedent. The Responsible Authority shall document the identity

and authority of the representative of the decedent, the data requested, and the City's response.

- C. Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access when private or confidential data is requested for a decedent. Identity can be established through personal knowledge, presentation of photo 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 will be as soon as reasonably possible.
- E. Fees.** Fees may be charged in the same manner as for public data.
- F. Summary Data.** Summary data is handled as described in Section 5.F. above.

VII. Access to Data Not on Individuals. Information not about individuals is classified by law as public, nonpublic, and protected nonpublic. Information that is not about individuals will generally be treated the same as data about individuals. Nonpublic and protected nonpublic data, except for security data, becomes public either ten (10) years after it was created by the City or ten (10) years after the data was received or collected by the City unless the Responsible Authority reasonably determines that, if the data was made available to the public, or to the data subject, that the harm to the public or to the data subject would outweigh the benefit to the public or the data subject.

- A. People Entitled to Access.**
 - **Public data** not about an individual may be shown or given to anyone for any reason. Copyrighted documents will not be reproduced or photocopied without express written permission from the copyright holder.
 - **Nonpublic data** not about an individual may be shown or given to:
 - o The legal representative of the subject entity of the data, but only once every six (6) months, unless a dispute has arisen or additional data has been collected.
 - o A person who has been given access by the express written consent of the legal representative of the entity which is the subject of the data.
 - o A person authorized to have access by the federal, state, or local law or court order.
 - o A person about whom the legal representative of the subject entity was advised at the time the data was collected. The identity of those people must be part of the Tennessee warning described below.
 - o A person who is member of the City staff, the City Council, or outside agents (such as attorneys) whose work assignment or responsibility reasonably requires access.
 - **Protected nonpublic data** may not be given to the legal representative of the subject entity, but may be given or shown to:
 - o A person authorized to have access by federal, state, or local law or court order.

- o A person who is a member of the City staff, the City Council, or outside agents (such as attorneys) whose work assignment or responsibility reasonably requires access.
 - B. **Form of Request.** Any individual must request data in writing. Data will be released depending on whether or not the City has stored data requested and whether the data is classified as public, nonpublic, protected nonpublic, or is copyrighted.
 - C. **Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access when nonpublic or protected nonpublic data is requested. The Responsible Authority must also verify the identity of the requesting party as a person entitled to access when copies of copyrighted private, nonpublic, or protected nonpublic data is requested. Identity can be established through personal knowledge, presentation of photo 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 will be as soon as reasonably possible.
 - E. **Fees.** Fees may be charged in the same manner as for public data.
 - F. **Summary Data.** Summary data is handled as described in Section 5.F. above.
- VIII. Temporary Classification.** If the Responsible Authority determines data not expressly classified by law should be protected, that person may apply to the Commissioner for permission to classify data as private, confidential, nonpublic or protected nonpublic for its own use and for the use of other governmental entities on a temporary basis. The application and the classification of the data shall be in accordance with Minnesota Statutes, Section 13.06, as amended.
- IX. 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, which writing must include the specific legal authority for the denial.
- X. 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.
- A. Tennesen Warning.** When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a *Tennesen* warning. This warning must contain the following:

- The purpose and intended use of the requested data;
- Whether the individual may refuse or is legally required to supply the requested data;
- Any known consequences from supplying or refusing to supply the 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;
- The data subject is not an individual (e.g., the data subject is a corporation or partnership);
- The data subject offer information that has not been requested by the City;
- The information requested from the individual is about someone else; or
- The information requested from the subject is classified as public data.

A *Tennessee* warning may be on a separate form or may be incorporated into the form that requests the private or confidential data. See attached **Exhibit 8**.

B. Data Quality Procedures. The City is required to establish procedures that data on individuals are accurate, complete and current. The Responsible Authority shall work with City employees that collect, use, or disseminate data on individuals to implement the following procedures:

- At the time that the data is collected from the individual data subject, the individual should be advised of his or her right to review and contest the accuracy or completeness of public or private data concerning him/herself.
- An individual data subject should be encouraged to review his/her file for accuracy, completeness and to ensure that all information is current.
- Whenever possible and practical, City employees shall collect data about an individual from the individual subject of the data rather than from third parties (e.g., birthdate, address, etc.). (This directive does not prohibit employees from collecting data from third parties.)
- Design forms to collect objective types of data elements whenever possible, rather than data which calls for an opinion or conclusion or other subjective entry. Forms for the collection of data on individuals should request only necessary data.
- Department Heads should periodically review forms used to collect data on individuals. Data elements that are not necessary or that lend themselves to ambiguity or subjectivity should be removed and the forms redesigned.
- Department Heads should periodically conduct quality/validity checks on sample case files that contain data on individuals.

VIII. Challenge to Data Accuracy or Completeness.

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 Responsible 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.

IX. Data Protection.

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 Finance Director, 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 that 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; and
 - shred private or confidential data before discarding.
- 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 10**.

Exhibit 1

Responsible Authority, Data Practices Compliance Officer and 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 Bemidji ("City") is presumed public and is accessible to the public for both inspection and copying, unless classified as Private, Confidential, Nonpublic or Protected Nonpublic in accordance with federal law, state statute or a temporary classification. (Minn. Stat. § 13.01). The City of Bemidji has appointed the following position to administer this system.

Responsible Authority Michelle Miller, City Clerk
Bemidji City Hall
317 4th Street NW
Bemidji, MN 56601
218-759-3570

Other positions responsible for maintenance of City records are as apparent or assigned. Each Department Head shall be responsible for the maintenance and dissemination of information that pertains to their department. Questions relating to the classification of information should be directed to the Responsible Authority's Designee.

Katie Nolting, City Attorney
218-759-3580

Complaints regarding a person(s) access to information should be filed with:

Katie Nolting, City Attorney
Bemidji City Hall
317 4th Street NW
Bemidji, MN 56601
218-759-3580

Exhibit 2
CITY OF BEMIDJI DATA DISCLOSURE REQUEST & COST CALCULATION FORM
 Fees charged are in accordance with MN Statutes Section 13.03 (3).

A. COMPLETED BY REQUESTER

You are being asked to supply the following information that may be private or confidential data about yourself. The data will be used by this department and those employees whose job reasonably requires access to the data to determine if you have the right to access the requested data. The contact information will be used to let you know when the requested data are available. Refusal to supply the information may result in a delay of the availability of the requested data. If you refuse to supply the information then it is your responsibility to contact the necessary department to determine the status of the request.

REQUESTER NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP CODE:	EMAIL:
I AM REQUESTING ACCESS TO DATA IN THE FOLLOWING WAY: <input type="checkbox"/> COPIES <input type="checkbox"/> INSPECTION <input type="checkbox"/> INSPECTION AND COPIES	
I WOULD LIKE TO RECEIVE THE DATA REQUESTED BY THE FOLLOWING: <input type="checkbox"/> EMAIL <input type="checkbox"/> MAIL <input type="checkbox"/> PICK UP IN PERSON	
PLEASE DESCRIBE THE DATA YOU ARE REQUESTING AS SPECIFICALLY AS POSSIBLE. IF YOU NEED MORE SPACE, ATTACH ADDITIONAL PAGE(S):	
SUBMIT COMPLETED DATA REQUEST FORM EITHER IN PERSON OR BY MAIL TO CITY HALL, 317 4 TH STREET NW, BEMIDJI, MN 56601 OR VIA EMAIL AT CITYCLERK@CI.BEMIDJI.MN.US . QUESTIONS CAN BE DIRECTED TO 218-759-3570	

City of Bemidji will respond to your request as soon as reasonably possible.

B. COMPLETED BY DEPARTMENT

DEPARTMENT:	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:	
ESTIMATED CHARGE FOR THIS SERVICE: <input type="checkbox"/> NONE <input type="checkbox"/> Copies B&W _____ Pages x _____ Rate _____ * Copies Color _____ Pages x _____ Rate _____ * <input type="checkbox"/> Staff Time _____ hrs. x _____ Rate = _____ Staff Time _____ hrs. x _____ Rate = _____ <input type="checkbox"/> Postage, Mailing _____ = _____ *Tax (7.875%) = _____ TOTAL DUE \$ _____	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: _____
DATE RECEIVED: _____ DATE OF CLARIFICATION: _____	
DATE RESPONDED: _____	

Exhibit 3 SUMMARY DATA REQUEST

Request for Private Data without Data Subject Identification

Notice: Within ten (10) days of the receipt of this request, you will receive an estimate of charges and time required to prepare the summary data. The City of Bemidji must be reimbursed for these costs. You may be required to pay these charges before the data will be prepared.

Completed by Requester:

Name (Last, First, MI)	Date of Request	
Street Address	Phone Number	E-mail Address
City, State, ZIP		

You do not have to provide contact information to view or obtain public data. 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.

Description of the data requested:

(attach additional sheets if necessary)

Completed by the City of Bemidji

Preparation Charges:

	Estimated	Actual
A. Labor		
Rate per hour * 50.00 X Hours =	_____	_____
Rate per hour * X Hours =	_____	_____
B. Photocopies: Rate per Page 0.25 x Pages =	_____	_____
C. Mailing: _____ =	_____	_____
D. Printing: _____ =	_____	_____
E. Other: <i>Include computer time, programming time, terminal access, etc.</i>		
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
Total Charges =	_____	_____

Action: Approved Approved in part (explain below) Denied (explain below)

Handled by _____

Authorized Signature _____

Exhibit 4
CONSENT TO RELEASE PRIVATE DATA

I, _____ authorize the City of Bemidji to release the following private data about me:

to the following person or people:

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

This authorization is dated _____ and expires on _____

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this request.

Signature

IDENTITY VERIFIED BY:	
	Witness: X
	Identification: Driver's License, State ID, Passport, Other:
	Comparison with signature on file
	Other:
Responsible Authority/Designee:	

Exhibit 5
GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. AUTHORIZATION. City of Bemidji (“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 3**.

Signature of Requestor

Date

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 is 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 Authorize 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 requester, a copy of all reports, summaries, compilations, articles, publications or any document or series of documents that 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 that 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): _____

REQUESTOR OF SUMMARY DATA:

By: _____ Date: _____

Title (if applicable): _____

CITY OF BEMIDJI:

By: _____ Date: _____

Its: _____

Exhibit 6
NOTICE TO PERSONS UNDER AGE 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 or 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 service provided under Minnesota Statutes Sections § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____ DATE: _____

BY: _____ (name) _____ (title)

REQUEST TO WITHHOLD INFORMATION

I request that the following information:

Be withheld from: _____

For these reasons: _____

Print Name: _____ Date: _____

Signature: _____

Exhibit 7
DATA PRACTICES ADVISORY
(Tennessee Warning)

Some or all of the data that you are asked to provide on the attached form is classified by State law as either private or confidential. Private data is data that generally cannot be given to the public but can be given to the subject of the data. Confidential data is data that generally cannot be given to either public or the subject of the data.

Our purpose and intended use of this data is:

You _____ ARE _____ ARE NOT legally required to provide this data.

If you refuse to supply the data, the following may happen:

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

Exhibit 8
SAMPLE TENNESSEN WARNING

It is the City of Bemidji’s responsibility to inform potential employees of their privacy rights. Please carefully read the Tennessee Warning provided below. Sign and date the form and return it with your application. Your signature indicates that you have received data regarding your rights as they pertain to the Minnesota Government Data Practices Act.

In accordance with the Minnesota Government Data Practices Act, the City of Bemidji is required to inform you of your rights as they relate to the private data collected from you. Private data is data that is available to you, but not to the public; the personal information we collect about you is private. Minnesota Statutes 13.04 and 13.43 are two sections that govern what affects you as an applicant for employment at the City of Bemidji. All data collected is considered private except for the following:

- Veteran status
- Relevant test scores
- Rank on eligibility list
- Job history
- Education and training
- Work availability

Your name is considered to be private data; however, if you are selected to be interviewed as a finalist, your name becomes public data.

The data supplied by you may be used for such other purposes as may be determined to be necessary in the administration of personnel procedures, rules, and regulations of the City of Bemidji. Furnishing social security numbers is voluntary for applicants to the City of Bemidji, but refusal to supply other requested information would mean that your application for employment might not be considered.

Private data is available only to you, to appropriate City of Bemidji employees, and others as provided by state and federal laws who have a bona fide need for the data. Public data is available to anyone requesting it and consists of all data furnished in the application for employment that is not designated in this notice as private data.

The information you give about yourself is needed to identify you and to assist the City of Bemidji in determining your suitability for the position for which you are applying.

I have read and understand the information given above regarding the Minnesota Data Practices Act.

Applicant Signature

Date

Exhibit 10
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 OF BEMIDJI

1. PERSONNEL DATA (PRIVATE)

Minn. Stat. § 13.43

Generally, all data about people who are or were an employee, applicant for employment, volunteer, independent contractor, or member of or applicant for a board or commission is private, with the exceptions noted below. **Public Data - Applicants** The following data on current and former applicants 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.

Public Data: Employees

The following data on current and former employees, volunteers, independent contractors, and members of advisory boards and commissions are 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 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 City and county of residence.

Undercover Law Enforcement Officer

All personnel data about a law enforcement officer is private until no longer assigned to those duties. Then the officer is subject to the same rules applicable to other employees unless the law enforcement agency determines that revealing the data would threaten the officer’s safety or jeopardize an active investigation.

Access by Labor Organizations

Personnel data may be given to labor organizations or the Bureau of Mediation Services to the extent this is necessary to conduct elections, notify employees of fair share fee assessments, or to implement state labor laws.

Employee Assistance Programs

All data associated with employee assistance programs is private.

Harassment

When there is a harassment complaint against an employee, the employee may not have access to data that would identify the complainant or other witnesses if this would threaten the personal safety of the complainant or witness, or subject them to harassment. However, this information will be provided to the employee in order for him/her to prepare for a disciplinary proceeding that has been initiated.

Peer Counseling Debriefing

Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

Protection of Employee or Others

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. **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. **PLANNING QUESTIONNAIRES (PRIVATE)** Minn. Stat. § 13.59
Names, addresses, and legal descriptions of property, that are collected in questionnaires or surveys of individuals and businesses for the purposes of planning, development, or redevelopment.

- 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 non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information collected or created to prepare the management position.
8. **FIREARMS DATA (PRIVATE)** Minn. Stat. § 13.87
Data about the purchase or transfer of firearms and applications for permits to carry firearms.
9. **EXAMINATION DATA (NONPUBLIC)** 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.
10. **ELECTED OFFICIALS CORRESPONDENCE (PRIVATE)** Minn. Stat. §13.601
Correspondence between individuals and elected officials, but either may make it public.
11. **BENEFIT DATA (PRIVATE)** Minn. Stat. §13.462
All data about individuals participating in the City's housing rehabilitation program.
12. **CIVIL INVESTIGATIVE DATA (PRIVATE)** 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.
13. **APPRAISAL DATA (CONFIDENTIAL)** Minn. Stat. § 13.44
Appraisals made for the purpose of selling or acquiring land.
14. **ASSESSOR'S DATA (PRIVATE)** Minn. Stat. § 13.51
Data on sales sheets from private multiple listing service organizations. Income information on individuals used to determine eligibility of property for classification 4c under Minn. Stat. §273.13, Subd. 25 (c). The following data regarding income properties: income and expense figures for current year and past three years, average vacancy factors for past three years, net rentable or useable areas, anticipated income and expenses for current year, projected vacancy factor for current year, and lease information. Social Security numbers (Minn. Stat. § 13.49).
15. **SOCIAL SECURITY NUMBERS** Minn. Stat. §13.355

16. TRANSPORTATION SERVICE DATA (PRIVATE) Minn. Stat. §13.72
Personal, medical, financial, familial or locational information, except name, of applicants or users of transportation services for the disabled or elderly.

17. 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.

18. LAW ENFORCEMENT DATA Minn. Stat. §§13.80 and 13.82
Data collected under the domestic abuse act is confidential. The audio recording of a 911 call is private regarding the individual making the call, but a written transcript is public. Certain arrest data, request for service data, and response or incident data is public under Minn. Stat. § 13.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active.

Photographs that are part of inactive investigation files are private if they are clearly offensive to common sensibilities. Booking photographs are public. The identity of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data that relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private. Videotapes of child abuse victims may not be released under any circumstances without a court order.

The following are private: The identity of undercover law enforcement officers. The identity of criminal sexual conduct victims. The identity of certain informants. The identity of victims, witnesses, and people making a 911 call whose personal safety or property would be threatened by disclosure. The identity of a person making a 911 call to receive help in a mental health emergency. Unique descriptions of stolen, lost, confiscated, or recovered property are private. Identities of customers of licensed pawnshops and secondhand goods dealers are private. Detention data that would disclose personal, medical, psychological or financial information or endanger an individual's life is private (Minn. Stat. § 13.85). Criminal history data is private, except convictions of crimes within the past 15 years (Mm. Stat. §13.87). Deliberative processes or investigative techniques are confidential.

19. 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 that is the subject of attorney-client privilege is confidential. Data, which is the subject of the "work product" privilege, is confidential.

20. COUNCIL MEETINGS HAVING DATA CLASSIFIED AS NONPUBLIC Minn. Stat. §13D.05
Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

1. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

2. active investigative data as defined in Section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or
3. educational data, health data, medical data, welfare data, or mental health data that are not public data under Section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7.



Guide for Requesting Information About You

City of Bemidji MN

This document also discusses your rights when government entities collect and keep information about you. Minnesota Statutes, Section 13.025, Subdivision 3, requires us to have this document.

Adopted by Bemidji City Council 2/20/2018

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 Bemidji 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 Bemidji 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 Bemidji 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 look at (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 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 Bemidji 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. [Applies only to state agencies: In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.]

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 Bemidji 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 in this guide. You may make your written request by filling out the Data Disclosure Request and return it in person or by mail to City Hall at 317 4th Street NW, Bemidji, MN 56601, by fax to (218) 759-3590 or by e-mail to: cityclerk@ci.bemidji.mn.us.

The City of Bemidji 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.

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:
 - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - 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.

After we have provided you with access to data about you, we do not have to show you the data again for 6 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 give you an explanation if you ask.

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.

Data Practices Contacts City of Bemidji, MN

Responsible Authority: Michelle Miller, City Clerk
Bemidji City Hall
317 4th Street NW
Bemidji, MN 56601
218-759-3570

Copy Costs - Data Subjects

The City of Bemidji charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3.

Letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy. Color copies are 50 cents for one-sided copy or \$1.00 for two-sided copy. You must pay for the copies before we will give them to you. The City of Bemidji will not charge for items sent electronically if they can be easily retrieved from the City's server and attached to an e-mail.

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 is as set forth in the fee schedule. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

Standards for Verifying Identity

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as ○ a state driver's license ○ a military ID ○ a passport ○ a Minnesota ID ○ a Minnesota tribal ID
- A **minor individual** must provide a valid photo ID, such as ○ a state driver's license ○ a military ID ○ a passport ○ a Minnesota ID ○ a Minnesota Tribal ID ○ a Minnesota school ID
- The **parent or guardian of a minor** must provide a valid photo ID *and either* ○ a certified copy of the minor's birth certificate *or*

- a certified copy of documents that establish the parent or guardian’s relationship to the child, such as
 - ❖ a court order relating to divorce, separation, custody, foster care
 - ❖ a foster care contract
 - ❖ an affidavit of parentage
- The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as ○ court order(s) ○ valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.

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 _____ Both Inspection and Copies _____

NOTE: Inspection is free but there is a charge for copies (See page 5).

These are the data I am requesting:

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

Contact Information

Data Subject Name _____

Parent/Guardian name (if applicable) _____

_____ Address

_____ Email _____

Phone

Staff Verification

Type of ID provided _____

(We will respond to your request within 10 business day)