



Edina Police Operations Manual

Policy Number
740.00

Subject:

DATA PRACTICES

Effective Date
12/01/2005

Revised Date
01/16/2020

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PURPOSE:

To assist the Edina Police Department staff in finding the statutory reference in classification of data and the release of data to ensure consistent procedures for the handling of requests for data that is maintained by the department as required by Minnesota State Statute, [Chapter 13](#), Minnesota Government Data Practices Act, and [Chapter 1205](#), the Department of Administration, Data Privacy Division, Data Practices rules and the City of Edina's Data Practices Policy.

740.01

POLICY

It is the intent of the Edina Police Department to comply with all laws and rules regarding the collection, storage, and dissemination of government data and to conduct our operation efficiently and effectively. The City of Edina's Data Practices Policy, revised 1/20/2016, for the Minnesota Government Data Practices Act was used to draft this document. The Office Manager is responsible for updates.

740.02

RESPONSIBLE AUTHORITY

The Responsible Authority for the City of Edina is the City Clerk. The City Clerk has designated Responsible Authority duties regarding Police Department data to the Chief of Police. The Chief of Police, by virtue of inclusion in the job description, has designated the Responsible Authority position to the Office Manager.
(MS § [13.02](#) Subd. 6)

740.03

CLASSIFICATION OF DATA

Data classifications under Chapter 13 refer to information in general, not specific reports. We are mandated by the Minnesota Government Data Practices Act, to provide public, private and confidential information as requested.

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GOVERNMENT DATA

Government data means all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use. (MS § [13.02](#), Subdivision 7)

DATA ON INDIVIDUALS <i>MS § 13.02, Subdivision 8</i> (Living human beings, NOT an entity, such as a corporation)	DATA ON DECEDENTS <i>MS § 13.10, Subdivision 2</i> (Persons who have died)	DATA NOT ON INDIVIDUALS <i>MS § 13.02, Subdivision 4</i> (Entities OTHER than living human beings, such as a corporation)
PUBLIC Accessible to anyone for any reason <i>MS § 13.02, Subdivision 15</i>	PUBLIC Accessible to anyone for any reason <i>MS § 13.02, Subdivision 15</i>	PUBLIC Accessible to anyone for any reason <i>MS § 13.02, Subdivision 14</i>
PRIVATE Accessible to the subject of the data. Not accessible to the public. <i>MS § 13.02, Subdivision 12</i>	PRIVATE Accessible to the subject of the data. Not accessible to the public. <i>MS § 13.10, Subdivision 1B</i>	NON-PUBLIC Accessible to the subject of the data, if any, authorized representative of the corporation, etc. Not accessible to the public. <i>MS § 13.02, Subdivision 9</i>
CONFIDENTIAL Not accessible to the subject of the data. Not accessible to the public <i>MS § 13.02, Subdivision 3</i>	CONFIDENTIAL Not accessible to the subject of the data. Not accessible to the public <i>MS § 13.10, Subdivision 1A</i>	PROTECTED NON- PUBLIC Not accessible to the subject of the data. Not accessible to the public <i>MS § 13.02, Subdivision 13</i>

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740.04 PUBLIC DATA

Subd. 1 Public data that can be released from the following reports, unless by doing so would compromise an investigation:

ARREST REPORTS <i>MS § 13.82 Subd. 2</i>	RESPONSE/INCIDENT DATA <i>MS § 13.82 Subd. 6</i>	REQUEST FOR SERVICE <i>MS § 13.82 Subd. 3</i>
	Regarding MN State Accident Reports See (<i>MS § 169.09 Subd. 13</i>) Public information below as listed in front counter Accident Book.	
Date, Time, Place	Date, Time, Place	Date, Time, Place
Nature of Request	Nature of Request	Nature of Request
Response or incident report number	Response or incident report number	Response or incident report number
Name and address of Complainant unless protected by Subd. 17	Name and address of Complainant unless protected by Subd. 17	Name and address of Complainant unless protected by Subd. 17
Response Initiated	Response Initiated	Response Initiated
Identities Agency & Responding Officers unless protected by Subd 17.	Identities Agencies & Responding Officers unless protected by Subd. 17.	Identities of Responding Officers unless protected by Subd. 17.
The name, age, sex and last known address of an Adult Arrestee, or the age and sex of any Juvenile Arrestee	Brief Factual Reconstruction of Event	
Brief Factual Reconstruction of Event	Any resistance encountered by the agency	
Any resistance encountered by the agency	Any pursuit engaged by the agency	
Any pursuit engaged by the agency	Whether any weapons were used by the agency or other individual	
Whether any weapons were used by the agency or other individual	Name/Address of Victims or Casualties unless protected by Subd. 17	
The charge, arrest, or search warrants, or other legal basis for the action	Name/Location of Health Care Facility Victims or Casualties taken to	
Whether and where the individual is being held in custody or is being incarcerated by the agency	Dates of Birth and Seat Belt Usage of Parties in Traffic Accidents	
The date, time and legal basis for transfer of custody and the identity of the agency or person who received custody.	Alcohol concentration of each driver	
The date, time and legal basis for any release from custody or incarceration.		
Wiretaps or other eavesdropping techniques used, unless the release of the specific data would jeopardize an ongoing investigation.		

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For information on protected identities refer to Minnesota Statute [13.82 Subd. 17](#)

740.05 DATA CLASSIFICATION PUBLIC DATA

Subd. 1 Public data is all data collected, created, received, maintained or disseminated by the Edina Police Department which is not classified by statute, temporary classification pursuant to section [13.06](#), or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.

Subd. 2 The department shall provide access to public data to any person without regard to the nature of that person's interest in the data (MN Rules [1205.0300](#)). The department may not require the name of the requestor, unless the requestor wishes to be updated if the data is corrected or changed in any way. Public data is public as soon as it is collected, created or received and must be available to the public as soon as possible after the request.

Subd. 3 If it is not stated in the statutes that the information is public, consider it private.

Subd. 4 Requesting and Processing Public Data

a) Requests for public data must be in writing which includes: mailed letters, email or online requests. When received by police department staff, the request for public data will be processed as soon as reasonably possible.

Subd. 5 Processing Public Data

- a) Requests will be processed during normal business hours. Additional time may be required to:
- Determine classification of the data requested.
 - Redaction or summarization of the data.
- b) A written request is to be completed and attached to the original police report when copies are made.
- c) If the requested data is not classified as public data, staff will notify the requestor verbally or in writing. The specific statutory section will be cited to explain why the request was denied (MS § [13.03](#) Subd. 3f).

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Examples of Private data:

- a) Identities of individuals protected by (MS § [13.82](#), Subd. 17) (See Attachment)
- b) Audio recording of 911 call (MS § [13.82](#) Subd. 4)
 - Exclusion - transcript of recording is public but refer to MS § [13.82](#), Subd. 17 - *Protection of Identities regarding caller identity.*
- c) Child abuse identity data/Inactive child abuse identity data (MS § [13.82](#), Subd. 8 and 9) Exclusion - identification of a reporter is Confidential.
- d) Vulnerable adult identity data/Active and Inactive (MS § [13.82](#), Subd. 10 and 1)
- e) Sexual assault data (MS § [13.822](#), Subd. 2).
- f) Criminal History Data (MS § [13.87](#)) Refer to BCA central office for public review of final charge disposition.
- g) Crime Prevention information is non public information (MS § [13.37](#)).
- h) Security Information (MS § [13.37](#)).
- i) Property Data - data that uniquely describes stolen, lost, confiscated or recovered property is private or nonpublic. (MS § [13.82](#), Subd. 20)
- j) Only involved Parties in an Accident may receive a copy of the actual accident Report with a signed release form. (MS § 169.09 Subd. 13)
- k) Firearm Data (MS § [13.87](#), Subd. 2).
- l) Data relating to name changes.
- m) Photos clearly offensive to public sensibilities.
- n) Juvenile Data-See 740.06 Subd. 5

Subd. 2 People who may request Private/Non-Public Data

- a) The subject(s) of the data, as limited by any applicable statute or federal law.

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- b) City of Edina and Edina Police Department staff whose work assignments require access (including MS § [13.05](#) Subd. 4)
- c) Other governmental agencies and entities that are authorized by state statute or Federal law to access private data.
- d) Attorneys, legal representatives and agents of the City of Edina and Edina Police Department who have a documented need in response to a current or pending legal action (either civil or criminal).
- e) Individuals or entities given specific written and signed authority by the subject(s) of the private data.

Subd. 3 Requesting Private Data

- a) Request for private data must be in writing which includes: mailed letters, email or online requests. Requests will be received and processed during normal business hours.
- b) Requests by the data subject(s) require a confirmation of their identities prior to access to data. Confirmation can be in the form of:
 - Government issued ID such as a driver's license, state identification card, passport or military ID with photo.
- c) Written requests by the data subject(s) must bear original signatures and be either notarized or witnessed by police department staff.
- d) Written authorizations for third party access to private data:
 - Must bear the original signature(s) of the subject(s).
 - Must be either notarized or witnessed by police department staff.
 - The third party being given authorization to the private data must be specifically identified.
 - The private data which authority to access is being given must be specifically identified.

Subd. 4 Processing Private Data

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- a) A written request is to be completed and attached to the original police report when copies are made.
- b) When received by police department staff, requests for private data will be processed promptly.
- c) Requests for access to private data, which are denied, will be given the reason(s) verbally at the time of the request and the statutory or federal law basis for this decision.
 - If requested, the verbal explanation can be provided in writing as soon as possible after the denial.

Subd. 5 Private Juvenile Data

- a) The Edina Police Department only maintains peace officer records of juveniles as defined [Chapter 260B](#) Minnesota State law. Access to peace officer's records concerning Juveniles is governed by Minnesota Statute [260B.171](#), Subdivision 5.
- b) Access to juvenile records may be made as follows:
 - By order of the juvenile court.
 - As required by MS § [121A.28](#) (Chemical abuse incident data to the juvenile's school).
 - As authorized under MS § [13.82](#), subdivision 2 (arrest data minus name, and address).
 - To the juvenile or the juvenile's parent or legal guardian unless disclosure of the record would interfere with an ongoing investigation.
 - If an individual is listed as the parent on the report, we will release the data to them. If the individual is not referenced as the parent and there is not a similar name or address, the individual will need to show documentation, (birth certificate, court order, etc.) to prove they are authorized to see the data. (MN Rules [1205.0500](#) Subd. 2b)
 - Staff may deny parental access to private data if the minor has submitted a written, signed request stating the reasons why access should be denied. (MN Rules [1205.0500](#) Subd. 3A). When a request is received, staff will determine if honoring the request to deny parental access would be in the best interest of the minor data subject (MN Rule [1205.0500](#) Subd. 3B).

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- Traffic accident reports which include juvenile names may be accessed and released, except that names of juveniles charged or cited with law or ordinance violations related to the accident must be removed or redacted.
- Staff may deny parental access to private data on a minor without a request from a minor pursuant to the provisions of Minnesota Statutes, or any other statute or federal law that allows or requires staff to do so (MN Rule [1205.0500](#) Subd. 5).

Subd. 6 Requests for Juvenile Data

- a) Requests to access juvenile case records other than as authorized above will be denied.
- b) Requestors will be informed of the reason for the denial and the statutory basis.
- c) Copies of Juvenile Court Orders will be attached to original data that is being released.

Subd. 7 Processing Juvenile Data

Use the same procedure for processing private data.

740.07 CONFIDENTIAL DATA

Subd. 1 Confidential data is protected and not public by statute or federal law applicable to the data and is also inaccessible to the individual subject of that data. Examples of confidential data include:

- a) Criminal Investigative data except for the data defined as public in subdivisions 2, 3, and 6; investigative data is confidential or protected nonpublic while the investigation is active. (MS § [13.82](#) Subd. 7)
- b) Reporter of child abuse or neglect (MS § [13.82](#) Subd. 5a)
- c) Video tapes of child abuse interviews (MS § Subd [g](#))
- d) Domestic Abuse data (MS § [13.80](#))
- e) Reward Program Data (MS § [13.82](#) Subd. 21)
- f) Deliberative processes and investigative techniques (MS § [13.82](#) Subd. 25)

Subd. 2 People who may view confidential /protected nonpublic data

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- a) City of Edina and Edina Police Department staff or agents whose work assignment or responsibilities reasonably require access (MN Rules [1205.0600](#)).
- b) Entities and agencies authorized by Minnesota State statutes including MS [13.05](#) or federal law to access that specific data.
- c) The public or subject of the data may not have access to the data.

Subd. 3 Requesting Confidential Data

- a) Requests for confidential data must be in writing and will be received and processed during normal business hours. Requests can be made via mailed letters, email or online requests

Subd. 4 Processing Confidential Data

- a) Only the chief of police or office manager may officially receive and approve/disapprove requests to access confidential data. Requests for access to confidential data must be forwarded to the Office Manager.
- b) If the office manager is absent for an extended period of time (over 5 business days), requests must be forward to the chief of police.
- c) If the subject of confidential data requests access to the data, the subject of the data must be informed whether confidential data is retained on them, however, confidential data shall not be disclosed to the subject of said data or, to anyone else not authorized by Minnesota state statutes or federal law. A copy of this request will be attached to the confidential data.
- d) When received by the office manager, requests for confidential data will be processed promptly.
- e) Requests for access to confidential data, which are denied, will be given the reason(s) verbally at the time of the request and the statutory or federal law basis for this decision.
 - If requested, the verbal explanation can be provided in writing as soon as possible after the denial.

Subd. 5 Summary Data

- a) Summary data is statistical records and reports obtained from data on individuals. Summary data does not include data that identifies individuals or unique characteristics on individuals.
- b) Anyone can request summary data.

Subject:**DATA PRACTICES****Page 10 of 12****Subd. 6 Requests for Summary Data**

Persons wishing access to summary data must submit a written request to police department staff. The written request must include the following:

- a) A detailed description of the data desired.
- b) The date(s) or date range(s) to be searched.
- c) The purpose for which the summary data is being requested.
- d) Payment, in advance of reasonable cost to prepare the summary data.
- e) Written request is signed and dated by the requestor.

Subd. 7 Processing Summary Data

- a) Requests for summary data will be received and processed during normal business hours by police department staff.
- b) Requests received will be checked for compliance with 740.07 Subd. 6. Requests missing information will be returned to the requestor noting what additions or changes are necessary.
- c) Police Department staff will promptly process requests.
- d) Preparing summary data requires removing all unique personal identifiers from a set of data, file, report or recordkeeping system so that the remaining data fulfills the definition of summary data as defined in MS[13.02](#) Subd. 19.
- e) Staff may authorize an outside agency or person to prepare the summary data if:
 - Staff determines that access by the outside agency or person will not compromise the privacy, nonpublic, confidential or protected nonpublic data.
 - The purpose for which the summary data is being prepared.
 - A nondisclosure agreement is signed by the person or agency representative accessing the files to prepare the summary data. The person or agency representative may be subject to civil or criminal penalties under the Minnesota Government Data Practices Act if private or confidential data is disclosed.

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Subd. 1 Individuals asked to supply either confidential or private data concerning them will be given a Tennesen Warning as specified in Minnesota Statute [13.04](#), subdivision 2. This warning is not required when gathering information for police reports, criminal investigations or I.C.R's.

The Tennesen Warning informs the individual of:

- a) The purpose and intended use of the requested data.
- b) Whether the individual may refuse or is legally required to supply the requested data.
- c) Any known consequence arising from supplying or refusing to supply private or confidential data.
- d) The identity of other persons or entities authorized by state or federal law to receive the data.

Subd. 2 Individuals have the right to access data. Their request must be presented to police department staff.

Subd. 3 Individual subjects of data may contest the accuracy or completeness of public or private data on themselves. To do so, said individual must notify staff in writing describing the nature of the disagreement. The letter must be sent to:

City of Edina Police Department
Responsible Authority
4801 West 50th Street
Edina, MN 55424-1394

The letter must include:

- Specifically, what is being challenged and why it is inaccurate or incomplete.
- How the data subject would like to see the data changed to reflect accurate and complete data.

Subd. 4 Staff must respond within 30 days with one of the following:

- a) Correct the data found to be inaccurate or incomplete and attempt to notify past recipients of said data including those identified by the individual as recipients or
- b) Notify the individual that the data is believed to be correct or complete.

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Subd. 5 Written challenges to the accuracy or completeness of public or private data shall be attached to said data.

Subd. 6 An individual who is dissatisfied with staff's action may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedure under Minnesota Statute Chapter 14. Staff will correct any data if so ordered by the Commissioner.

740.09 **FEE STRUCTURE**

Subd. 1 Copies and electronic transmittals of public and private data will be assessed a fee according to Statute [13.03](#), Sub. 3, (c). The maximum allowed fee for a copy of a black and white 8 ½ x 11 letter or 8 ½ x 14 legal document is \$0.25 per page. For documents over 100 pages staff may require the requesting person to pay the actual cost of searching and retrieving government data as stated in Minnesota Statute 13.03 Subd 3(c). The department does not charge for the first 10 pages; each additional page is \$0.25 per page. There may be additional fees depending on the request.

Subd. 2 Staff may charge an additional fee if copies have commercial value as stated in Minnesota Statute 13.03 Subd 3(d).

Subd. 3 The City may require requestors prepay fees.

Subd. 4 Fee schedules related to data requests and copies are posted in the lobby of the police department.

740.10 **PENALTY PROVISIONS**

Police Department staff must pay special attention to these provisions and Minnesota Statute 13, Government Data Practices Act. Violations of the City of Edina Data Practices Policy or Minnesota Statute Chapter 13 may result in disciplinary action as stated in the Police Department Rules and Regulations.