

**NON-PUBLIC DATA MAINTAINED
BY THE CITY OF EDINA
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

Personnel Data (Private) MN Stat. 13.43

All data about an individual who is employed as, or an applicant to be, an undercover law officer is private*. All data on all other individuals who are or were an employee, an applicant for employment, volunteer, independent contractor, **except the following which is public:**

PUBLIC DATA

- 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
- Bargaining unit
- Job title
- 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 medical leave or other not public data
- Employee Identification Number (not a social security number)
- If it is necessary to protect an employee from harm to self or to protect another

person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a pre-petition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting agency.

* Undercover Law Enforcement Officer Data (Private – MN Statute § 13.43, subd. 5) All data about an individual who is employed as, or is an applicant to be, an undercover law officer is Private Data on Individuals. When the individual is no longer assigned to an undercover position, the data is Personnel Data unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

2. **Applicant Data (Private)** MN Stat. 13.43, subd. 3

Data about current and former applicants for City employment is Private Data on Individuals—**except the following, which is public:**

Public Data:

- 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)

3. **Applicants for Appointment.** (MN Statutes 13.601, subd. 3.) Data about applicants for appointment to a public body collected by a government entity as a result of the applicant's application for appointment to the public body are Private Data on Individuals except that the following are public: name; city of residence, except when the appointment has a residency requirement that requires the entire address to be public; education and training; employment history; volunteer work; awards and honors; prior government service;

- Once an individual is appointed to a public body, the following additional data are public: residential address and either a telephone number or e-mail address where the appointee can be reached, or both at the request of the appointee.
- An e-mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an e-mail address or telephone number provided by the public body as the designated e-mail address or telephone number at which the appointee can be reached.

4. **Real Property Complaint Data (Confidential)** MN Stat. 13.44

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property are Confidential Data on Individuals.

5. **Security Information (Private/Nonpublic)** MN Stat. 13.37

Data which if disclosed would be likely to substantially jeopardize the security of information,

possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs. This also includes interior sketches, photos, or plans of buildings where detailed information about alarm systems or similar issues could jeopardize security.

- The location of a National Night Out event is Public Data.

6. Trade Secret Information (Nonpublic) MN Stat. 13.37, subd. 1 (b)

The Responsible Authority, in consultation with legal counsel as necessary, will determine whether particular information qualifies as Trade Secret according to the following definition:

- “Trade Secret information” is government data that includes a formula, pattern, compilation, program, device, method, technique, or process that is (1) supplied by an individual or organization; (2) subject to efforts by the individual or organization to maintain secrecy of the information; and (3) derives independent actual or potential economic value by not being known to or accessible to the public through lawful means.

7. Registered Voter Lists MN Stat. 13.37, 203B.12, Absentee Ballots (Private/Protected Nonpublic) 201.091

- Sealed absentee ballots before opening by an election judge are Protected Nonpublic. Names of voters submitting absentee ballots are Private until the close of voting.
- Registered voter lists are private, except for use related to elections, political activities, or law enforcement. The date of birth, portion of a Social Security number, driver’s license number or other identification card number on voter lists cannot be provided on a list available for public inspection.

8. Bids, Proposals, Sealed Bids (Private/Nonpublic) MN Stat. 13.37, subd. 2; 13.591

- Sealed bids, including the number of bids received, prior to opening are Nonpublic Data.
- Proposals submitted in response to a Request for Proposals are Private or Nonpublic Data until the responses are opened. Once opened, the name becomes Public, but all other data remain Private or Nonpublic until completion of the selection process. After the process is completed, all remaining data are Public with the exception of trade secret data.
- Data submitted by a business in response to a Request for Bids are Private or Nonpublic Data until the bids are opened. Once opened, the name of the bidder and the dollar amount specified in the response become Public Data. All other data in a bidder’s response to a bid are Private or Nonpublic data until the completion of the selection process. After the process is completed, all remaining data are Public with the exception of trade secret data.
- In the event that all responses to a Request for Proposals or a Request for Bids are rejected, information that was Private or Nonpublic remains that way until a re-solicitation of bids results in completion of the selection process or the process is abandoned. If re-solicitation does not occur within one year, the remaining data become Public.

9. **Labor Relations Information (Nonpublic)** MN Stat. 13.37, subd. 1 (c) Protected Nonpublic)
- 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 are Nonpublic or Protected Nonpublic Data.
10. **Firearms Data (Private)** MN Stat. 13.87, subd. 2
- Data about the purchase or transfer of firearms and applications for permits to carry firearms.
11. **Examination Data (Private or Confidential)** MN Stat. 13.34
- Completed versions of personnel and licensing examinations are Private Data, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.
12. **Elected Officials Correspondence (Private)** MN Stat. 13.601
- Correspondence between individuals and elected officials is Private Data, but may be made Public Data by either the author or any recipient.
13. **HRA Data (Non-Public/Private/Confidential)** MN Stat. 13.585, 13.462, 13.59
- Housing agency data, data about individuals participating in the City's housing rehabilitation program, Section 8 rental assistance program, and other housing assistance programs, data relating to businesses receiving financial assistance are either Non-Public or Private.
 - Data pertaining to negotiations with property owners regarding the purchase of the property are Nonpublic Data. Except the HRA's evaluation of properties that it does not purchase, all other negotiation data becomes Public Data at the time of the closing of the property sale.
 - Data pertaining to individuals' income collected for purposes of determining eligibility of property for classification 4d under Minn. Stat. §§ 273.128 and 273.13 is Private Data on Individuals. Such data may be disclosed to county and local assessors responsible for determining eligibility of property for classification 4d.
 - Law enforcement access to data may be subject to different regulation.
14. **Federal Contracts Data (Private/Nonpublic)** MN Stat. 13.35
- To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City is classified as private or nonpublic.
15. **Civil Investigative Data (Confidential/Private)** MN 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.
16. **Appraisal Data (Confidential/Protected Nonpublic/ Public)** MN Stat. 13.44 subd. 3
- Data on estimated or appraised values of real property made by or on behalf of the City for the purpose of selling or acquiring real property are Confidential or Protected

Nonpublic Data. Appraised values of real property obtained by owners who have received from the City an offer to purchase property are Private or Nonpublic Data. All such data become Public Data when (1) submitted to a court-appointed condemnation commissioner; (2) submitted in court during condemnation proceedings; or (3) the parties enter into an agreement for the purchase and sale of the real property.

17. Assessor's Data (Private/Nonpublic) MN Stat. 13.51, 375.192, 272.115, 273.124

- Data on sale sheets from private MLS organizations where the contract with the organization requires that the data not be made available to the public is Private Data.
- The following income property data is Private Data or Nonpublic Data: (a) detailed income and expense figures; (b) average vacancy factors; (c) verified net rentable areas or net usable areas, whichever is appropriate; (d) anticipated income and expenses; (e) projected vacancy forms; and (f) lease information.
- Income information on individuals collected for purposes of determining eligibility of property under class 4d (Minn. Stat. §§ 273.128 and 273.13) are Private Data.
- Social Security Nos. and Federal Employer Identification Nos. on Certificates of Value, homestead applications, and other documents is Private Data.

18. Transportation Service Data (Private) MN Stat. 13.72

- Personal, medical, financial, familial or locational information, except the name, of applicants or users of transportation services for the disabled or elderly is Private Data.

19. Social Recreation Data (Private) MN Stat. 13.548

- The 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 individuals enrolling in recreational or social programs are Private Data.

20. Law Enforcement and Investigative Data (Confidential/Protected Nonpublic/Private) MN Stat. 13.80, 13.82, 13.85, 13.87, 169.09, 168.10, 169A.70, 171.043, 171.07, 171.071, 171.12, 171.32, 299A.61, 299C.065, 299C.091, 299C.093, 299C.095, 299C.46, 299C.48, 299C.53, 299C.56, 611.272, 626.53, 609.324, 609.3452, 609.3471, 626.556, 626.5563, 626.557, 626.558, 626.5593, 626.89, 629.341, 260B.171, 260B.198, 260B.235, 299C.68, 299F.035, 299F.04, 299F.05, 299F.054, 299F.055, 299F.056, 299F.095, 299F.096

- Data collected under Minn. Stat. § 518B.01 (Domestic Abuse Act) are Confidential until a temporary court order is executed or served on the respondent in the action.
- Audio recordings of 911 calls are Private Data on Individuals with respect to the individual making the call, but a written transcript of the call is Public provided it does not reveal the identity of an individual subject to protection under Minn. Stat. § 13.82, subd. 17 (e.g. undercover law enforcement officer, victim of criminal sexual conduct, other crime victim or witness requesting anonymity).
- Criminal investigative data during an active investigation is confidential or protected nonpublic. Data on inactive investigations, unless the release of the data would jeopardize an ongoing investigation or reveal the identity of an individual subject to protection under Minn. Stat. § 13.82, subd. 17, is public—with the exception of photographs that are clearly offensive to common sensibilities, which are private or

nonpublic data, provided the existence of the photographs is disclosed to individuals requesting the inactive investigation file. An investigation is “inactive” when an agency or prosecuting authority decides not to pursue a case, when the statute of limitations (or thirty years after the offense, whichever comes first) expires, or upon the exhaustion of appeal rights of a person convicted on the basis of the investigative data.

- A law enforcement agency can make investigative data public to aid law enforcement, promote public safety, or dispel unrest. Written requests to access data by victims of crimes or alleged crimes must be granted unless the authority reasonably believes that release of data will interfere with an investigation or the request is prompted by a desire by the requester to engage in unlawful behavior.
- Investigations involving reports of child abuse or neglect or maltreatment of a vulnerable adult, either active or inactive, are Private Data on Individuals in cases where the alleged victim is identified. The identity of the reporter of child abuse or neglect is Confidential, unless compelled by law. The identity of the reporter of maltreatment of a vulnerable adult is Private Data on Individuals.
- Data on court records relating to name changes is Confidential during an active investigation and Private Data on Individuals when an investigation is inactive.
- Data that uniquely describes stolen, lost, confiscated, or recovered property are Private Data or Nonpublic Data.
- Data that identifies customers of pawn shops, scrap metal dealers, or secondhand stores are Private Data on Individuals.
- Deliberative process data or data revealing investigative techniques are Confidential.
- Data presented as evidence in court is public.
- Arrest data (including booking photographs), requests for service data, and response or incident data is public. Details of arrest previous to charges being filed by prosecutor are private

21. Human Rights Data (Confidential/Private) MN Stat. 13.552, 363A

- Human rights investigative data are Confidential. The name and address of a charging party and respondent, factual basis of the allegations, and the statute under which the action is brought are Private Data on Individuals.

22. Planning Survey Data (Private/Nonpublic) MN Stat. 13.59

The following data collected in surveys of individuals conducted by the City for the purpose of planning, development and redevelopment are classified as private or nonpublic:

- names and addresses of individuals, and
- the legal descriptions of property owned by the individuals, and
- the commercial use of the property to the extent disclosure of the use would identify a particular business.

23. City Attorney Records (Confidential) MN 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 which is the subject of attorney-client privilege is Confidential. Data which is the

subject of the “work product” privilege is Confidential.

24. Business Data (Private/Nonpublic) MN Stat. 13.591

The following data submitted by a business requesting financial assistance, a license, or other benefits are Private or Nonpublic:

- Financial information about the business, including credit reports, financial statements, net worth calculations, business plans, income and expense projections, balance sheets, customer lists, income tax returns, and design, market, and feasibility studies not paid for with public funds.

This data becomes public when assistance, a license, or other benefits are granted, except the following, which remain Private or Nonpublic:

- Business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

25. Municipal Obligation Register Data MN Stat. 475.55 (Private/Nonpublic)

- Information with respect to the ownership of municipal obligations is Private or Nonpublic.

26. Hazardous Materials (Private/Nonpublic) MN Stat. 145.94

- Data relating to exposure to hazardous substances is Private or Nonpublic.

27. Auditing Data (Nonpublic/Protected Nonpublic) MN Stat. 13.392

- Data, notes, and preliminary drafts of audit reports are confidential or protected nonpublic until the final report is published.

28. Salary Benefit Survey Data (Nonpublic) MN Stat. 13.435

- Salary and personnel benefit data purchased from consulting firms is nonpublic.

29. Social Security Numbers (Private) MN Stat. 13.355

- SSNs collected in whole or in part are Private Data On Individuals.

30. Public Employees Retirement Association Data MN Stat. 13.63 (Private)

The home address, date of birth, direct deposit account number, and tax withholding data of individual beneficiaries and survivors of members are Private Data on Individuals.

31. Electronic Payments, Credit Card Numbers, MN Stat. 13.37; 13.6401 Bank Account Numbers (Nonpublic)

Information that would substantially jeopardize the security of information, possessions, or individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury is Private or Nonpublic.

32. Drug and Alcohol Test Results (Private) MN Stat. 181.954; 49 CFR 382.405

With respect to public sector employees and job applicants, the results of drug or alcohol tests are Private Data on Individuals.

33. Data On Rentals (Private/Nonpublic) MN Stat. 13.55

The following data relating to convention rentals are classified as Private and Nonpublic: Letter or other documentation from any person who makes inquiry to or who is contacted by the facility regarding the availability of the facility for staging events, identity of firms and

corporations which contact the facility, type of event which they wish to stage in the facility, suggested terms of rentals, and responses of authority staff to these inquiries, exhibitor data. All rental data is Public information when certain conditions are met.

34. Group Auto Self-Insurance Claims Data Minn. Stat. § 471.617
(Private/Nonpublic)

Claims data, either as to single claims or total claims of an individual, is Private or Nonpublic Data, except that it may be disclosed to authorized personnel of the City in order to administer a health benefit program.

35. Welfare (Private) MN Stat. 13.46

Generally, welfare data (except summary data) is Private Data. The welfare data section of the MGDPA, however, has numerous exceptions and special treatment for particular data types and applications. Contact the City attorney for requests involving welfare data.

36. Benefit Data (Private) MN Stat. 13.462 Data on individuals seeking information about becoming an applicant for or a recipient of benefits or services provided, or that is or was an applicant or recipient of such benefits or services, under various housing, home ownership, rehabilitation and community action agency, Head Start, and food assistance programs administered by government entities, with the exception of names and addresses, is Private Data.

37. Safe At Home Participant (Private) Minn. Stat. § 13.045 Identity and location data on a program participant that are not otherwise classified by law are private data on individuals.

38. Domestic Abuse Data (Confidential) Minn. Stat. § 13.80 Data on individuals collected, created, received or maintained by the police department pursuant to the Domestic Abuse Act, section 518B.01, are classified as confidential data, pursuant to section 13.02, subdivision 3, until a temporary court order made pursuant to subdivision 5 or 7 of section 518B.01 is executed or served upon the data subject who is the respondent to the action.

39. Personal Contact And Online Account Information (Private) Minn. Stat. § 13.356, Data on an individual collected, maintained, or received for notification purposes or as part of a subscription list for electronic periodic publications as requested by the individual are private data on individuals: (1) telephone number; (2) e-mail address; and (3) Internet user name, password, Internet protocol address, and any other similar data related to the individual's online account or access procedures.