

# DISCLOSURE/DATA PRIVACY INFORMATION

## DATA PRACTICES POLICY

The Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13, hereinafter the “MGDPA”) governs the collection, creation, receipt, maintenance and dissemination of all government data, including personnel data.

### **Policy Statement**

It is the policy of the State of Minnesota to apply the Act fairly and consistently to protect individuals’ rights to privacy, to provide access to information needed for the effective management of the state’s human resources, and to ensure that government data is appropriately available to the public. Each state agency in the executive branch shall enforce this policy.

### **Purpose**

The purpose of this document is to guide agencies in their implementation of the state’s policy and the applicable law regarding the collection, dissemination and storage of personnel data.

### **Scope of Coverage**

This policy and the associated guidelines apply to all agencies in the executive branch and are designed to provide guidance to state agency personnel officer, labor relations representatives, affirmative action officers, safety officers, workers’ compensation coordinators, designated insurance representatives, commissioners, managers, supervisors, and any others who create, use or maintain personnel data.

This policy applies to **all personnel records** and information an agency has **in whatever form**.

**Data** means all data collected, created, received, maintained or disseminated by a state agency regardless of its physical form, storage media or conditions of use.

**Personnel data** means **all data collected** because an individual is or was an employee or applicant for employment, a volunteer, an independent contractor, or member of or applicant for an advisory board or commission.

This policy covers the **collection and storage** of data on:

- current and former employees;
- applicants for employment;
- volunteers;
- independent contractors; and
- members of advisory boards or commissions;

## Classification of Data

Two basic criteria determine the classification of government data. One criteria is whether or not the data is on an individual subject. The other criterion involves a determination of who has access to the data. The following explanation and chart will serve as a guide to the classifications. Note that two of the classifications are “public”; the other four are other than public and have varying restrictions on accessibility. (Definitions of the six classifications are also provided in the following sections.)

**Data on individuals** means all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual. (Minn. Stat. 13.02, subd. 5)

Examples include information such as an individual’s social security number, name, age, work location, and documents such as performance reviews, disciplinary records, and position descriptions.

Data which is **on an individual** may be:

**Public** – accessible to anyone;

Or other than public:

**Private** – accessible only to the subject of the data and others specifically authorized access; or

**Confidential** – accessible only to authorized government officials.

**Data not on individuals** means all government data which is not data on individuals. (Minn. STAT. 1305, subd.4)

Examples include summaries of personnel data when the individual subjects of the data cannot be identified (for example, protected group reports, or the total number of women employed by an agency); and data not associated with individuals (for example, Hay ratings or class codes).

Data which is **not on an individual** may be:

**Public** – accessible to anyone;

Or other than public:

**Nonpublic** – accessible only to the subject(s) of the data and others specifically authorized access; or

**Protected Nonpublic** – accessible only to authorized government officials.