



Policy Series #: 4000 – Human Resources
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Data Privacy for Employees

PURPOSE: 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. Riverland Community College adopts this State of Minnesota policy.

APPLICABILITY: 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;

DEFINITIONS:

Classification of Data: Two basic criteria determine the classification of government data. One criterion 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:** 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:

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

Confidential – accessible only to authorized government officials.

DOES THIS POLICY HAVE A PROCEDURE? YES.

Complete the Riverland Community College Complaint Form to report any misuse of data as described above.

Minnesota Statutes Section 13.09 (2010): Penalties

Any person who willfully violates the provisions of this chapter or any rules adopted under this chapter is guilty of a misdemeanor. Willful violation of the chapter by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees.

Minnesota Statutes Section 211B.10 (2010): Penalties for Violation

A violation of this chapter for which no other penalty is provided is a misdemeanor.

LIST RELATED POLICIES, PROCEDURES OR PLANS HERE:

- Guidelines for Accessing Public Data
- Authorization to release private data
- Minnesota Statutes Section 13.09 (2010): Penalties
- Minnesota Statutes Section 211B.09 (2010): Prohibited Public Employee Activities
- Minnesota Statutes Section 211B.10 (2010): Penalties for Violation

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Date & Subject of Revisions: