PROCEDURE 406 – PUBLIC AND PRIVATE PERSONNEL DATA

I. The following definitions apply to Policy and Procedures 406.
   A. "Public" means that data are available to anyone who requests it.
   B. "Private" means the data are available to the subject of the data and to school district staff who need it to conduct the business of the school district.
   C. "Confidential" means the data are not available to the data subject.
   D. "Personnel data" means data on individuals maintained because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a government entity.
   E. "Finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.
   F. "Protected health information" means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. "Protected health information" excludes health information in education records covered by FERPA and employment records held by a school district in its role as employer.
   G. "Public official" means business manager; human resources director; activities coordinator whose duties include at least 50% of his or her time spent in administration, personnel, supervision, and evaluations; chief financial officer; director; and any individual defined as superintendent, principal, or director who is employed in a position requiring an administrative license.
   ~~H. "Data Practices Compliance Official" means the school district's Executive Director of Human Resources.~~

II. Access to Personnel Data for Employees
   A. All requests for access to personnel data should be made ~~to the Data Practices Compliance Officialas~~ as described on the school district's webpage. ~~The Data Practices Compliance Official may require a written request for information.~~
   B. ~~P~~The Data Practices Compliance Official will release public personnel data will be provided within a reasonable time of the request.
   C. ~~P~~The Data Practices Compliance Official will release private personnel data will be provided within ten working days of the written request for information.

III. Access to Personnel Data
   A. The following information on employees, including volunteer and independent contractors working for the school district is public.
      1. Personal Information
         a. Name
         b. Employee identification number
         c. Education and training background
         d. Previous work experience
      2. Compensation-related information
         a. Actual gross salary or contract fees
         b. Salary range
         c. Actual gross pension
         d. Value and nature of employer paid fringe benefits including group insurance
         e. The basis for an the amount of any added remuneration, including expense reimbursement, in addition to salary
         f. Payroll time sheets or other comparable data that are only used to account for the employees work time for payroll purposes, except to the extent that release of time sheets would reveal the employees reasons for use of sick or other medical or other non-public data.
      3. Work and performance information
         a. Job title and bargaining unit

b. Job description
c. Date of first and last employment
d. Work location
e. Work telephone number
f. Work email addresses
g. Honors and awards received
h. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in disciplinary action
i. The final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district
j. The terms of any agreement settling any dispute arising out of the employment relationship
k. Work related continuing education
l. Terms and conditions of the employment relationship
m. Data relating to a complaint or charge against a public official if:
(i) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
(ii) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement with another person. Data that is classified as private under another law is not made public by this provision.

4. Applicants for employment
a. The names of applicants who have been selected to be interviewed by the school board for an opening
b. Veteran status
c. Relevant test scores
d. Rank on eligible list
e. Job history
f. Education and training
g. Work availability

B. Data relating to a complaint or charge against a public official if:
1. the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
2. potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that are classified as private under another law are not made public by this provision.

IV. Access to Private Personnel Data

A. All personnel data not listed in section III above are private and will only be shared with school district staff whose work requires such access. Private data on an employee may also be released in accordance with the employee's informed written consent or if otherwise authorized by law. ~~Legally authorized release of private personnel data includes the following.~~

B. Legally authorized release of private personnel data includes the following. The school district may:
1. Display a photograph of a current or former employee to prospective witnesses as part of the school district's investigation of any complaint or charge against the employee.
2. Release personnel data if necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee.
3. Release data that are relevant to the concerns for safety to
a. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
b. A pre-petition screening team conducting an investigation of the employee or part of a civil commitment process; or

c. A court, law enforcement agency or prosecuting authority.

4. Release private data or confidential investigative data on employees to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such crime or alleged crime.
5. Provide to a complainant access to that complainant's statement given in connection with a complaint or charge against an employee.
6. When allegations of sexual or other types of harassment are made against an employee, the employee will not have access to data that would identify the complainant or other witnesses if the school district determines that the employee's access to that would:
   a. Threaten the personal safety of the complainant or witness; or
   b. Subject the complainant or witness to harassment.
   c. Unless a disciplinary proceeding is initiated against the employee and data on the complainant or witness is necessary for the employee to prepare for the proceeding.
7. Make any report to the Board of Teaching or the Board of School Administrators as required by Minnesota laws and will upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files including any termination or disciplinary action.
8. Provide private personnel data to the Department of Economic Security for the purpose of administration of the unemployment insurance program.
9. At the request of the Minnesota Department of Education, for the purposes of an assessment or investigation of a maltreatment report, provide to the Minnesota Department of Education relevant private data about an employee alleged to have committed maltreatment.
10. Comply with all privacy requirements to the extent the school district transmits protected health information.

C. Upon request, p~~P~~ersonnel data must be disseminated to labor organizations to the necessary to conduct elections, investigate and process grievances and implement the provisions of Minnesota Statutes chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and the Bureau of Mediation Services to the extent the dissemination is ordered or authorized by the Commissioner of the Minnesota Bureau of Mediation Services.

The home addresses, nonemployer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and nonmembers are private data on individuals.

Dissemination of personnel data to a labor organization pursuant to Minnesota Statutes, section 13.43, subdivision 6, shall not subject the school district to liability under Minnesota Statutes, Section 13.08.

Personnel data described under Minnesota Statutes, section 179A.07, subdivision 8, must be disseminated to an exclusive representative under the terms of that subdivision.

V. Multiple Classifications
If data on individuals are classified as both private and confidential by the Minnesota Government Data Practices Act, or any other state or federal law, the data are private.

VI. Change of Classifications
The classification of data in the possession of the school district will change if it is required to do so to comply with the judicial and administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VII. Cost for Copies
Access to data is free. The school district may charge for copies of data.

VIII. Employee Authorization to Release Form
An employee authorization form is included in these regulations.

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Cross References:
Policy 515 – Protection and Privacy of Education Records

Legal References:
Minn. Stat. ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.02 (definitions)
Minn. Stat. § 13.37 (general nonpublic data)
Minn. Stat. § 13.39 (Civil Investigative Data)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 122A.20, subd. 2 (Mandatory Reporting)
Minn. Stat. § 253B.07n subd. 1
45 C.F.R. Parts 160 and 164 (HIPAA Regulations)