

I. PURPOSE

The purpose of this policy is to provide guidance to NWSISD employees as to the data NWSISD collects and maintains regarding its personnel.

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by NWSISD, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by NWSISD.
- B. All other data on individuals is private or confidential.

III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to NWSISD staff who need it to conduct the business of NWSISD.
- C. "Confidential" means the data is not available to the subject.
- D. "Parking space leasing data" means the following government data on an application for, or lease of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment and work telephone number.
- E. "Personnel data" means government data on individuals maintained because they are or were employees of NWSISD, or an individual was an applicant for employment, volunteers for NWSISD, or is a member of or applicant for a NWSISD advisory board, committee or commission.
- F. "Finalist" means an individual who is selected to be interviewed by the school board for a position.
- G. "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 the federal Family Educational Rights and Privacy Act and employment records held by a school district in its role as employer.
- H. "Public officials" means business managers, human resource directors, athletic directors whose duties include at least 50 percent of their time spent in administration, personnel, supervision, and evaluation.

IV. PUBLIC PERSONNEL DATA

- A. The following information on staff, including volunteer and independent contractors, is public:
 - 1. Name;
 - 2. Employee identification number, which shall not be the employee's social security number;
 - 3. Actual gross salary;
 - 4. Salary range;
 - 5. Terms and conditions of employment;
 - 6. Contract fees;
 - 7. Actual gross pension;
 - 8. The value and nature of employer-paid fringe benefits;
 - 9. The basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
 - 10. Job title;

11. Job description;
 12. Education and training background;
 13. Previous work experience;
 14. Date of first and last employment;
 15. The existence and status of any complaints or charges against staff, regardless of whether the complaint or charge resulted in a disciplinary action;
 16. The final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), 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 NWSISD;
 17. The terms of any agreement settling any dispute arising out of the employment relationship, including Executive Director buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
 18. Work location;
 19. Work telephone number;
 20. Badge number;
 21. Work-related continuing education;
 22. Honors and awards received;
 23. Payroll time sheets or other comparable data that are used only to account for the staff's work time for payroll purposes, except to the extent that release of time sheet data would reveal the staff's reasons for the use of sick or other medical leave or other not public data;
 24. City and county of residence.
- B. The following information on applicants for employment or advisory board/committee/commission is public:
1. Veteran status;
 2. Relevant test scores;
 3. Rank on eligible list;
 4. Job history;
 5. Education and training;
 6. Work availability.
- C. Names of applicants are private data, except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- D. Applicants for appointments to a public body.
1. Data about applicants for appointment to a public body are private data on individuals except that the following are public:
 - a. name;
 - b. city of residence, except when the appointment has a residency requirement that required the entire address to be public;
 - c. education and training;
 - d. employment history;
 - e. volunteer work;
 - f. awards and honors;
 - g. prior government service;

- h. any data required to be provided or that are voluntarily provided in an application for appointment to a multimember agency pursuant to MN Stat § 15.0597; and
 - i. veteran status.
 - 2. Once an individual is appointed to a public body, the following additional items of data are public:
 - a. residential address;
 - b. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;
 - c. first and last dates of service on the public body;
 - d. the existence and status of any complaints or charges against an appointee; and
 - e. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.
 - 3. Notwithstanding paragraph 2, any electronic mail address or telephone number provided by a public body for use by an appointee shall be public. An appointee may use an electronic mail address or telephone number provided by the public body as the designated electronic mail address or telephone number at which the appointee can be reached.
- E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

V. PRIVATE PERSONNEL DATA

- A. All other personnel data is private and will only be shared with NWSISD staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the staff member's informed written consent.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected or maintained by NWSISD to administer employee assistance programs are private.
- D. Parking space leasing data is private.
- E. An individual's checking account number is private when submitted to a government entity.
- F. Personnel data may be disseminated to labor organizations to the extent NWSISD determines it is necessary for the labor organization to conduct its business or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.
- G. NWSISD may display a photograph of a current or former staff to prospective witnesses as part of NWSISD's investigation of any complaint or charge against the employee.
- H. NWSISD may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect staff from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - 1. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - 2. A pre-petition screening team conducting an investigation of the staff member under Minn. Stat. § 253B.07, Subd. 1; or

3. A court, law enforcement agency or prosecuting authority.
- I. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purposes of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
 - J. A complainant has access to a statement provided by the complainant to NWSISD in connection with a complaint or charge against a staff member.
 - K. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if NWSISD determines that the employee's access to that data would:
 - 1. threaten the personal safety of the complainant or a witness; or
 - 2. subject the complainant or witness to harassment.
 If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.
 - L. NWSISD shall make any report to the board of teaching or other state boards or departments of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from NWSISD's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
 - M. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Ch. 268.
 - N. When a report of alleged maltreatment of a student in a NWSISD program or activity is made to the Commissioner of Education, data that are relevant and collected by NWSISD about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.
 - O. NWSISD shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data.
 - P. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school district to cut costs, make the school district more efficient, or to improve school district operations is private.
 - Q. Health information on employees is private unless otherwise provided by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.
 - R. Personal home contact information for employees may be used by the school district and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
 - S. The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between NWSISD and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.

VI. MULTIPLE CLASSIFICATIONS

If data on individuals is classified as both private and confidential by Chap. 13, or any other state or federal law, the data is private.

VII. CHANGE IN CLASSIFICATIONS

The classification of data in the possession of NWSISD shall change if it is required to do so to comply with other judicial or 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.

VIII. RESPONSIBLE AUTHORITY

NWSISD has designated its Executive Director or their designee as the authority responsible for personnel data. If you have any questions, contact him/her.

IX. EMPLOYEE AUTHORIZATION/RELEASE FORM

A staff member authorization form will be developed by the Executive Director and revised as necessary. The form can be obtained from the NWSISD Administrative Office.

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 Investigation Data)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)

Cross References: NWSISD Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
NWSISD Policy 515 (Protection and Privacy of Student Records)
MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records-Privacy-Access to Data)

Adopted: April 16, 2003
Revised: December 17, 2003
April 20, 2011
March 16, 2019

EMPLOYEE AUTHORIZATION FOR RELEASE OF INFORMATION

To: School District

RE: Personnel Records of Name of Employee

(Date of Birth and/or Social Security Number)

This is your full and sufficient authorization, pursuant to Minn. Stat. § 13.05, subd. 4 and Minn. Rules 1205.1400, subp. 4, to release to _____, their representatives or employees, all information pertaining to *[describe]* _____ maintained by NWSISD, with the following exceptions:

The information is needed for the purpose of *[specify]*

This authorization specifically includes records prepared prior to the date of this authorization and records prepared after the date of this authorization, such records to be used only for the purpose specified. I do not authorize re-release of this information by the third party.

I understand that I may revoke this consent in writing at any time. Upon the fulfillment of the above-stated purpose, this consent will automatically expire without my express revocation. A photocopy of this authorization will be treated in the same manner as an original.

Dated: _____

Signature of Employee

ATTENTION PUBLIC FACILITIES: Minnesota Statutes Section 13.05 requires automatic expiration of this authorization one (1) year from the date of authorization.