

I. PURPOSE

The purpose of this policy is to provide guidance to NWSISD employees as to the data NWSISD collects and maintains regarding its employees, volunteers, independent contractors, and applicants (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 not public and is accessible only to the following: the subject of the data, as limited to applicable state or federal law; individuals within the school district whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by law to gain access to that specific data; and entities or individuals given access by the express written direction of that district.
- C. "Confidential" means the data are not public and are not accessible to the subject.
- D. "Parking space leasing data" means the following government data on an applicant for, or lessee of, a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, location of parking space, and work telephone number.
- E. "Personnel data" means government data on individuals maintained because they are or were employees, applicants for employment, volunteers, or independent contractors for the school district. Personnel data include data submitted by an employee to the school district as part of an organized self-evaluation effort by the school district to request suggestions by the school district to request suggestions from all employees on ways to cut costs, make the school district more effective, or to improve district operations.
- 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 as defined in 45 C.F.R. § 160.103, that is transmitted by electronic media, or transmitted or maintained in any other form or medium by a health care provider in connection with a transaction covered by 45 C.F.R. Parts 160, 162 and 164. "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, and records regarding a person who has been deceased for more than fifty (50) years.
- H. "Public officials" means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals.

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 Minnesota Statutes § 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 current and former applicants for employment by the school district 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 applicants are considered by the school board to be finalists for public employment.
- D. Applicants for appointments to a public body.

1. Data about applicants for appointment to a public body collected by the school district as a result of the applicant's application for employment 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 Minnesota Statutes § 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 Minnesota Statute § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minnesota Statute § 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 not listed in Section IV are private and data and will not be otherwise released unless authorized by law.
- 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 with regard to data on individuals 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 if the dissemination is necessary for the labor organization to elections, notify employees of fare share fee assessments 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 (BMS) to the extent the dissemination is ordered or authorized by the Commission of BMS.

- 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 Minnesota Statute, section 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 committed by an employee.
- 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 does 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 must report to the Minnesota Professional Educator Licensing and Standards Board (PELSB) or the Board of School Administrators (BOSA) as required by Minnesota Statutes section 22A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over license, provide the licensing board with information about the teacher or administrator from NWSISD's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statutes section 122A.20, Subd. 2.
- M. Private personnel data shall be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment insurance program under Minnesota Statutes, Ch. 268.
- N. When a report of alleged maltreatment of a student in an elementary, middle school, high school or charter school is made to the Commissioner of the Minnesota Department of Education (MDE), under Minnesota Statutes Chapter 260E, 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. Additionally, personnel data may be released for purposes of providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines.
- 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:

1. 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; or
 2. the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that of the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minnesota Statutes, Chapter 13. Data that is released under this paragraph must not include data on the student.
- P. Data submitted by an employee to the school district as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or improve the school district operations, is private data. An employee who is identified in a suggestion, however, shall have access to all data in the suggestion except the identify of the employee making the suggestion.
- Q. Protected health information as defined in 45 C.F.R. Parts 160 and 164 on employees is private and will not be disclosed except as permitted by law.
- R. Personal home contact information for employees may be used by the school district to ensure than an employee can be reached in the event of an emergency or disruption affecting continuity of school district operations, and may be 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.
- T. When a continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual offenses involving a child as set forth in Minnesota Statutes, section 122A.40, subdivision 13(b), or when the Commissioner of the MDE makes a final determination of child maltreatment involving a teacher under Minnesota Statutes, section 260E.21, subdivision 4 or 260E.35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minnesota Statutes, section 13.41, subdivision. 5, and must provide PELSB and the licensing division at MDE with the necessary and relevant information to enable PELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minnesota Statutes, section 123B.03, a school board or other school hiring authority must contact PELSB and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district

seeks the information because the subject of the data has applied for employment with the requesting school district.

VI. MULTIPLE CLASSIFICATIONS

If data on individuals is classified as both private and confidential by Minnesota Statutes, Chapter 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 either 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.

The responsible authority, or a school district employee if so designated, shall serve as the school district's data practices compliance official and, as such, shall be the employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

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 § 13.03 (Access to Government Data)
- Minn. Stat. § 13.05 (Duties of Responsible Authority)
- Minn. Stat. § 13.37 (General Nonpublic Data)
- Minn. Stat. § 13.39 (Civil Investigation Data)
- Minn. Stat. § 13.41 (Licensing Data – Public Data)
- Minn. Stat. § 13.43 (Personnel Data)
- Minn. Stat. § 13.601 subd. 3 (Application for Employment)
- Minn. Stat. § 15..597 (Appointment to Multimember Agencies)
- Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)
- Minn. Stat § 123B.03 (Background Checks)
- Minn. Stat. § 123B.143, subd. 2 (Disclose Past Buyouts)
- Minn. Stat. Ch. 179 (Minnesota Labor Relations Act)
- Minn. Stat. Ch. 179A (Minnesota Public Labor Relations Act)
- Minn. Stat. § 253B.07(Judicial Commitment: Preliminary Procedures)
- Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
- Minn. Stat. Ch. 268 (Unemployment Insurance)
- Minn. R. Pt. 1205 (Data Practices)
- P.L. 104-191 (HIPAA)
- 45 C.F.R. Parts 160, 162 and 164 (HIPAA Regulations)

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/MASA Model Policy 722 (Public Data Request)
MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records-Privacy-Access to Data)

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April 20, 2011
March 16, 2019
March 16, 2020
May 18, 2022

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, subd. 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.