

CITY OF NEW ULM, NEW ULM PUBLIC UTILITIES, AND NEW ULM ECONOMIC DEVELOPMENT AUTHORITY (HEREINAFTER, CITY)

NEW ULM, MINNESOTA DATA PRACTICES POLICY

I. Introduction

These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the "Act"), specifically Minn. Stat. Sec. 13.03, Subd. 2 and 13.05, Subd. 5 and 8.

II. Responsible Authority

The person who is the responsible authority for compliance with the Act shall be appointed by Resolution of the City Council (currently the Finance Director/City Clerk-Treasurer). The responsible authority may designate certain other City employees to assist in complying with the Act. These designees are listed on attached Exhibit 1.

III. Access to Public Data.

All information maintained by the City is public unless there is a specific statutory designation that gives it a different classification. Categories of classification are as follows:

Data on Individuals (Natural Persons)	Data Not on Individuals	Degree of Accessibility
Public	Public	Accessible to anyone
Private	Nonpublic	Accessible to data subjects and to government officials whose duties reasonably require access

Confidential	Protected Nonpublic	Accessible only to government officials whose duties reasonably require access
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The City uses the State of Minnesota's General Records Retention Schedule which lists data series maintained by the City and their classifications.

A. People Entitled to Access

Any person has the right to inspect and copy public data (there may be charges associated for obtaining copies). The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request. However, staff may ask clarifying questions for the sole purpose of facilitating access to the data.

B. Form of Request

The request for public data may be verbal or written; however, depending on the detail of the request, city staff may ask for certain requests to be in writing.

C. Time Limits

- a. Requests will be received and processed only during normal business hours.
- b. If copies cannot be made at the time of the request or the compilation of the data requested is difficult, copies must be supplied as soon as reasonably possible.

D. Fees

Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City's fee schedule, unless there are non-standard fees involved (see Exhibit 2 for cost calculation form that may be used in certain instances). In that case, the fee will include the actual cost of searching for, retrieving, summarizing, copying or electronically transmitting the data, and mailing costs. The fee may not include time necessary to separate public from non-public data.

The responsible authority may also charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.

IV. Access to Data on Individuals

Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is contained in Appendix A.

A. People Entitled to Access

- a. **Public information** about an individual may be shown or given to anyone.
- b. **Private information** about an individual may be shown or given to:
 - i. The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
 - ii. A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit 3, or a form reasonably similar.
 - iii. People who are authorized access by the federal, state, or local law or court order.
 - iv. People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the Tennessee warning described below.
 - v. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- c. **Confidential information** may not be given to the subject of the data, but may be shown or given to:
 - i. People who are authorized access by federal, state, or local law or court order.
 - ii. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

B. Form of Request

Any individual may request verbally or in writing if the City has stored data about that individual and whether the data is classified as public, private, or confidential.

All requests to see or copy private or confidential information must be in writing. An Information Disclosure Request, attached as Exhibit 4, must be completed to document who requests and who receives this information. The

responsible authority or designee must complete the relevant portions of the form. The responsible authority or designee may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response.

C. Identification of Requesting Party

The responsible authority or designee must verify the identity of the requesting party as a person entitled to access. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records (when applicable), or other reasonable means.

D. Time Limits

- a. Requests will be received and processed only during normal business hours.
- b. The response must be as soon as reasonably possible. In most cases it should be within 10 working days. If not, the City may have additional days to respond if it notifies the requesting person that it cannot comply and approximately how many days the City will need to comply with the request.

E. Fees

Fees may be charged in the same manner as for public information.

F. Summary Data

Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The responsible authority or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The responsible authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This should be done within a reasonable amount of time after receiving the request. However, if the summary data cannot be prepared within 10 working days, the responsible authority must notify the requester of the anticipated time schedule and the reasons for the delay.

Summary data may be prepared by "blacking out" personal identifiers, cutting out portions of the records that contain personal identifiers,

programming computers to delete personal identifiers, or other reasonable means.

The responsible authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data. The responsible authority may use the form attached as Exhibit 5.

G. Juvenile Records

The following applies to private (not confidential) data about people under the age of 18.

Parental Access. In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. "Parent" means the parent or guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or guardian. The parent is presumed to have this right unless the responsible authority or designee has been given evidence that there is a federal law, state law, court order, or other legally binding document which prohibits this right, or upon request in writing by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

V. Denial of Access

If the responsible authority or designee determines that the requested data is not accessible to the requesting party, the responsible authority or designee must inform the requesting party orally at the time of the request or in writing as soon after that is possible. The responsible authority or designee must give the specific legal authority, including statutory section, for withholding the data. The responsible authority or designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

VI. Collection of Data on Individuals

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, public utilities commission, economic development authority, or federal government.

When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a Tennesen warning. This warning must contain the following:

1. The purpose and intended use of the requested data
2. Whether the individual may refuse or is legally required to supply the requested data
3. Any known consequences from supplying or refusing to supply the information, and
4. The identity of other persons or entities authorized by state or federal law to receive the data.

A Tennesen warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A Tennesen warning may be on a separate form or may be incorporated into the form that requests the private or confidential data. See attached Exhibit 6.

VII. Challenge to Data Accuracy

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's responsible authority in writing describing the nature of the disagreement. Within 30 days, the responsible authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct.

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

VIII. Data Protection

A. Accuracy and Currency of Data.

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, human resources personnel, or City Clerk, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

Department heads should periodically review forms used to collect data on individuals and request this data to be changed, deleted or clarified to the responsible person.

All records must be disposed of according to the City's records retention schedule.

B. Data Safeguards

Private and confidential information will be stored in files or databases that are not readily accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.

Private and confidential data must be kept only in City offices, except when necessary for City business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private or confidential information. These employees will be instructed to:

1. Not discuss, disclose, or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data
2. Not leave private or confidential data where non-authorized individuals might see it, and
3. Shred private or confidential data before discarding.
4. When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit 7.

IX. Other laws versus policy

There are also many miscellaneous federal laws, state laws, court orders, or other legally binding documents not listed. Each individual case may need to be reviewed for applicable statutes and rules. If an instance arises where the applicable federal laws, state laws, court order, or other legally binding document in place at that time differs from this policy the preceding will rule how the situation is handled.

Exhibit 1

LIST OF DESIGNEES

The Minnesota Data Practices Act establishes a system for compilation and distribution of data gathered by government agencies. All data collected and maintained by the City of New Ulm ("City") is presumed public and is accessible to the public for both inspection and copying, unless classified as Private, Confidential, Nonpublic or Protected Nonpublic in accordance with federal law, state statute or a temporary classification. (Minn. Stat. 13.01).

The City has appointed the following position to administer this system:

Responsible Authority: Reginald K. Vorwerk,

Position: Finance Director\City Clerk-Treasurer

City of New Ulm
City Hall
100 North Broadway,
P.O. Box 636
New Ulm MN 56073-0636
(507) 359-8259

Positions appointed as Designees assisting in system administration are as follows:

- Human Resources – Carl Zeidler
- City Clerk/Treasurer – Scott Schaefer/Catherine Asmus
- Park and Recreation – Tom Schmitz/Cheryl Kormann
- Police Department – Chief Erv Weinkauff/Myron Wieland
- EDA/Housing – Tom MacAulay/Colleen Ratcliff
- Library – Tracy Juhala

Exhibit 2

CITY OF NEW ULM DATA REQUEST COST CALCULATION FORM

Fees charged are in accordance with MN Statutes Section 13.03 (3).

Date of Request: _____

Description of Information Requested: (please be specific)

Costs for duplication of standard materials are included in the City's fee schedule. Please use this section to calculate fees for other data requests.

			Estimated Cost	Actual Cost
LABOR	# hours	Hourly Rate		
	# hours	Hourly Rate		
PHOTOCOPY	Rate:	# pages		
MAILING				
PRINTING COSTS				
E. OTHER COSTS	(May include computer time, programming, terminal access microfilming and any other costs not listed above)			
1.				
2.				
3.				
4.				
5.				
TOTAL CHARGES				
AMOUNT TO BE PREPAID (50% of Est. total if exceeds \$50)				
AMOUNT DUE UPON COMPLETION				

PREPARED BY: _____

DEPARTMENT: _____

DATE: _____

Exhibit 3

CONSENT TO RELEASE PRIVATE DATA

I, _____ authorize the City to release the following private data about me:

To the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this request.

Signature

IDENTITY VERIFIED BY:	
☐	Witness:
☐	Identification: Driver's License, State ID, Passport, other:
☐	Comparison with signature on file (when applicable)
☐	Other:
☐	Responsible Authority/Designee:

Exhibit 4

**CITY OF NEW ULM
INFORMATION DISCLOSURE REQUEST
Minnesota Government Data Practices Act**

A. Completed by Requester

REQUESTER NAME (Last, First, MI):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP CODE:	SIGNATURE:
DESCRIPTION OF THE INFORMATION REQUESTED: (attach additional sheets if necessary)	

B. Completed by Department

DEPARTMENT NAME:			HANDLED BY:
INFORMATION CLASSIFIED AS:			ACTION:
Public	Non-Public	Approved	
Private	Confidential	Approved in Part (explain below)	
Protected Non-Public		Denied (explain below)	
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:			
CHARGES:			IDENTITY VERIFIED FOR PRIVATE INFORMATION:
		Identification: Drivers License, State ID, etc	
Photocopy:		Comparison with Signature on File	
Special Rate: (attach explanation)		Personal Knowledge	
Other: (attach explanation)		Other:	
AUTHORIZED SIGNATURE:			DATE:

Exhibit 5

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. AUTHORIZATION. City of New Ulm ("City") hereby authorizes _____
_____ ("Authorized Party") access to the following government data:

2. PURPOSE. Access to this government data is limited to the objective of creating summary data for the following purpose:

3. COST. (Check which applies):

☐ The authorized Party is the person who requested the summary data and agrees to bear the city's costs associated with the preparation of the data which has been determined to be \$_____

☐ The Authorized Party has been requested by the City to prepare summary data and will be paid in accordance with attached Exhibit _____

4. SECURITY. The Authorized party agrees that it and any employees or agents under its control must protect the privacy interests of individual data subjects in accordance with the terms of this Agreement.

The Authorized party agrees to remove all unique personal identifiers which could be used to identify any individual from data classified by state or federal law as not public which is obtained from City records and incorporated into reports, summaries, compilations, articles, or any document or series of documents.

Data contained in files, records, microfilm, or other storage media maintained by the City are the City's property and are not to leave the City's custody. The Authorized Party agrees not to make reproductions of any data or remove any data from the site where it is provided, if the data can in any way identify an individual.

No data which is not public and which is irrelevant to the purpose stated above will ever be disclosed or communicated to anyone by any means.

The Authorized Party warrants that the following named individual(s) will be the only person(s) to participate in the collection of the data described above:

5. LIABILITY FOR DISCLOSURE. The Authorized Party is liable for any unlawful use or disclosure of government data collected, used and maintained in the exercise of this

Agreement and is classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

The Authorized Party agrees to defend, indemnify; and hold the City, its officers and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission of the Authorized Party, its agents, employees or assignees under this Agreement and against all loss by reason of the Authorized Party's failure to fully perform in any respect all obligations under this Agreement.

6. INSURANCE. In order to protect itself as well as the city, the Authorized Party agrees at all times during the term of this Agreement to maintain insurance covering the Authorized Party's activities under this Agreement. The insurance will cover \$1,000,000 per claimant for personal injuries and/or damages and \$1,000,000 per occurrence. The policy must cover the indemnification obligation specified above.

7. ACCESS PERIOD. The Authorized Party may have access to the information described above from _____ to _____

8. SURVEY RESULTS. (Check which applies):

☐ If the Authorized Party is the requester, a copy of all reports, summaries, compilations, articles, publications or any document or series of documents that are created from the information provided under this Agreement must be made available to the city in its entirety.

☐ If the Authorized Party is a contractor of the City, all copies of reports, summaries, compilations, articles, publications or any document or series of documents that are created from the information provided under this Agreement must be provided to the City. The Authorized Party may retain one copy for its own records but may not disclose it without City permission, except in defense of claims brought against it.

AUTHORIZED PARTY: _____

By: _____ Date: _____

Title (if applicable): _____

CITY OF NEW ULM:

By: _____ Date: _____

Title: _____

Exhibit 6

DATA PRACTICES ADVISORY

(Tennessee Warning)

Some or all of the information that you are asked to provide on the attached form is classified by State law as either private or confidential. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is:

You ☐ are/ ☐ are not legally required to provide this information.

If you refuse to supply the information, the following may happen:

Other persons or entities authorized by law to receive this information are:

Exhibit 7

SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the "Act"). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

APPENDIX A

PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY CITY

1. PERSONNEL DATA (PRIVATE). Minn. Stat. § 13.43.

Generally, all data about people who are or were an employee, applicant for employment, volunteer, independent contractor, or member of or applicant for a board or commission is private, with the exceptions noted below.

Public Data - Applicants

The following data on current and former applicants is public:

- Veteran status
- Relevant test scores
- Rank on eligible list
- Job history
- Education and training
- Work availability
- Name, after being certified as eligible for appointment to a vacancy or when considered a finalist for a position of public employment (which occurs when the person has been selected to be interviewed by the appointing authority)
- Names and addresses of applicants for and members of an advisory board or commission.

Public Data: Employees

The following data on current and former employees, volunteers, independent contractors, and members of advisory boards and commissions are public:

- Name
- Actual gross salary
- Salary range
- Bargaining unit
- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits

- Basis for and amount of added remuneration, including expense reimbursement
- Job title
- Job description
- Education and training background
- Previous work experience
- Date of first and last employment
- The existence and status (but not nature) of any complaints or charges against the employee, whether or not resulting in discipline
- Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
- Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- Work location
- Work telephone number
- Badge number or employee ID number
- Honors and awards received
- Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other non-public data

Undercover Law Enforcement Officer

All personnel data about an undercover law enforcement officer is private until no longer assigned to those duties. Then the officer is subject to the same rules applicable to other employees unless the law enforcement agency determines that revealing the data would threaten the officer's safety or jeopardize an active investigation.

Access by Labor Organizations

Personnel data may be given to labor organizations or the Bureau of Mediation Services to the extent this is necessary to conduct elections, notify employees of fair share fee assessments, or to implement state labor laws.

Employee Assistance Programs

All data associated with employee assistance programs is private.

Harassment

When there is a harassment complaint against an employee, the employee may not have access to data that would identify the complainant or other witnesses if this would threaten the personal safety of the complainant or witness, or subject them to harassment. However, this information will be provided to the employee in order for him/her to prepare for a disciplinary proceeding that has been initiated.

Peer Counseling Debriefing

Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

Protection of Employee or Others

If it is reasonably necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a prepetition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting authority.

2. PROPERTY COMPLAINT DATA (CONFIDENTIAL). Minn. Stat. § 13.44.

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

3. PLANNING QUESTIONNAIRES (PRIVATE). Minn. Stat. § 13.59.

Names, addresses, and legal descriptions of property, that are collected in questionnaires or surveys of individuals and businesses for the purposes of planning, development, or redevelopment.

4. SECURITY INFORMATION (NONPUBLIC). Minn. Stat. § 13.37.

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs.

5. TRADE SECRET INFORMATION (NONPUBLIC). Minn. Stat. § 13.37.

Information that has been kept generally protected by the supplier and that has economic value. Examples: unique building plans, copyrighted questionnaires prepared by consultants (such as for comparable worth). Computer programs.

6. ABSENTEE BALLOTS (NONPUBLIC). Minn. Stat. § 13.37.

Sealed absentee ballots before opening by an election judge.

7. SEALED BIDS (NONPUBLIC). Minn. Stat. § 13.37 and 13.591, Subd. 3

Sealed bids, including the number of bids received, prior to opening.

8. LABOR RELATIONS INFORMATION (NONPUBLIC). Minn. Stat. § 13.37.

Management positions on economic and non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information collected or created to prepare the management position.

9. FIREARMS DATA (PRIVATE). Minn. Stat. § 13.87, Subd. 2.

Data about the purchase or transfer of firearms and applications for permits to carry firearms.

10. EXAMINATION DATA. (NONPUBLIC/PRIVATE/CONFIDENTIAL) Minn. Stat. §13.34.

Completed versions of personnel and licensing examinations are private, unless the responsible authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.

11. ELECTED OFFICIALS CORRESPONDENCE (PRIVATE). Minn. Stat. §13.601, Subd. 2.

Correspondence between individuals and elected officials, but either may make it public.

12. HOUSING DATA (PRIVATE). Minn. Stat. §13.462.

Names and addresses of applicants and recipients for housing, home ownership, and rehabilitation programs is public. All other information is private.

13. HOUSING AGENCY DATA (PRIVATE). Minn. Stat. § 13.54.

Income information on individuals used to determine eligibility of property for 4c tax classification is private.

14. CIVIL INVESTIGATIVE DATA (NONPUBLIC/CONFIDENTIAL). Minn. Stat. § 13.39.

Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation is confidential, except that a complainant's statement is private.

15. APPRAISAL DATA (CONFIDENTIAL). Minn. Stat. § 13.44, Subd. 3.

Appraisals made for the purpose of selling or acquiring land.

16. ASSESSOR'S DATA (PRIVATE). Minn. Stat. § 13.51.

Data on sales sheets from private multiple listing service organizations.

Income information on individuals used to determine eligibility of property for classification 4d under Minn. Stats. § 273.126 and 273.13, Subd. 25 (c).

The following data regarding income properties:

- income and expense figures for current year and past three years,
- average vacancy factors for past three years,
- net rentable or useable areas,
- anticipated income and expenses for current year,
- projected vacancy factor for current year, and
- lease information.

17. SOCIAL SECURITY NUMBERS (PRIVATE). (Minn. Stat. § 13.49).

18. DEFERRED ASSESSMENT DATA (PRIVATE). Minn. Stat. § 13.52).

Information that indicates the amount or location of cash or other valuable kept in homes of applicants for deferred assessments.

19. TRANSPORTATION SERVICE DATA (PRIVATE). Minn. Stat. §13.72, Subd. 10.

Personal (except name), medical, financial, familial or locational information, of applicants or users of transportation services for the disabled or elderly.

20. RECREATION DATA (PRIVATE). Minn. Stat. § 13.57.

For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

21. LAW ENFORCEMENT DATA (PRIVATE/CONFIDENTIAL). Minn. Stat. §§13.80 and 13.82.

Data collected under the domestic abuse act is confidential.

The audio recording of a 911 call is private regarding the individual making the call, but a written transcript is public.

Certain arrest data, request for service data, and response or incident data is public under Minn. Stat. § 13.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active. Photographs that are part of inactive investigation files are private if they are clearly offensive to common sensibilities. Booking photographs are public.

The identity of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data that relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private.

Videotapes of child abuse victims may not be released under any circumstances without a court order.

The following are private:

- The identity of undercover law enforcement officers.
- The identity of criminal sexual conduct victims.
- The identity of certain informants.
- The identity of victims, witnesses, and people making a 911 call whose personal safety or property would be threatened by disclosure.
- The identity of a person making a 911 call to receive help in a mental health emergency.

Unique descriptions of stolen, lost, confiscated, or recovered property are private.

Identities of customers of licensed pawnshops and secondhand goods dealers are private.

Detention data that would disclose personal, medical, psychological or financial information or endanger an individual's life is private (Minn. Stat. § 13.85).

Criminal history data is private, except convictions of crimes within the past 15 years (Mm. Stat. §13.87).

Deliberative processes or investigative techniques are confidential.

22. LIBRARY AND HISTORICAL DATA (PRIVATE). Minn. Stat. §13.40.

The names of library borrowers are public, but other information on application forms is private. Data that would connect the person's name with materials or information requested is private. A library may release reserved materials to family member or other person residing with borrower.

23. MUNICIPAL ELECTRIC UTILITY DATA (PRIVATE). Minn. Stat. §13.685.

24. OTHER DATA.

The above is not a comprehensive list and there may be other miscellaneous data that may be protected under various federal laws, state laws, court orders, or other legally binding document not listed. Some of these are items such as business data, social/recreational data, lodging tax data, etc. Each individual case may need to be reviewed for applicable statutes and rules. If an instance arises where the applicable laws, statutes, court order, or other legally binding document in place at that time differs from the policy the preceding will control the data classification and how the issue is handled.

APPENDIX B

DATA COLLECTED AND FORMS USED BY CITY (THE FOLLOWING FORMS MAY CONTAIN PUBLIC, PRIVATE, CONFIDENTIAL, OR COMBINATION OF DATA

DEPARTMENT	FORM	DATA COLLECTED	WHERE AVAILABLE
Engineering – Building Permits Department (BP)	Mechanical Permit Application	Information for a mechanical permit	BP
BP	Building Permit Applicant: Property Owner	Form for property owners doing the work themselves on their residence.	BP
BP	Excavation Permit	Information pertaining to excavations.	BP
BP	Fence Permit Application	Obtain information for fence permit.	BP
City Clerk\Treasurer's Office (CCT)	Alcohol and Gambling Enforcement Division – Application for a 1 to 4 day temporary on-sale liquor license	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Application for certification of an on sale liquor license, 3.2% liquor license, or Sunday liquor license	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Application for club on sale retail liquor license	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Application for consumption and display	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Application for county/city on-sale wine license	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Application for off sale intoxicating liquor license	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Application for renewal of liquor, wine, or club license and/or optional 2 A.M. closing license	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Application for retailer's (buyer) card for liquor or wine	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	Alcohol and Gambling Enforcement Division – Bed and Breakfast	To register a Bed and Breakfast establishment to	State of MN Department of

	Registration Form	serve wine without a license to your registered guests.	Public Safety or CCT
CCT	Certification of Compliance with MN Worker's Compensation Law	Information to show compliance with the workers' compensation laws.	State of MN Department of Public Safety or CCT
CCT	City of New Ulm – Bed and Breakfast License Renewal	Information for permit or license	State of MN Department of Public Safety or CCT
CCT	City of New Ulm Liquor License/Permit Application	Information for permit or license	CCT
CCT	Department of the Treasury (Bureau of Alcohol, Tobacco and Firearms) – Special Tax Registration and Return Alcohol and Tobacco	Information for permit or license	U.S. Department of the Treasury or CCT.
CCT	Dog License	Information for a dog license.	CCT
CCT	Fireworks License Application	Information for obtaining a license to have a fireworks stand or in store display.	CCT
CCT	General License Application	Information for general licenses.	CCT
CCT	General License Application renewal	Renewal information for permits and licenses.	CCT
CCT	Gravel Pit License Application	Information for gravel pit license.	CCT
CCT	Minnesota Gambling Board Applications	Number of different forms for obtaining gambling permits	State of MN Gambling Control Board or CCT
CCT	Peddler, Transient Merchant and Contribution Solicitor Application	Information for permit or license	CCT
CCT	Utility Customer Setup Review	Information needed to change utility address for customers.	CCT
City Clerk\Treasurer's Office (CCT)	Utility Service Order	Information needed to open a utility account.	CCT
Engineering - Community Development Department (CDD)	Application for Conditional Use Permit	Information to request a conditional use permit.	CDD
CDD	Application for Zoning Adjustment	Information for obtaining a zoning adjustment.	CDD
CDD	Building/Land Use Permit Application	Information concerning building or land use.	CDD
Economic Development Authority (EDA)	Property Rehabilitation Loan Program Application Form	Information for possibly obtaining a property rehabilitation loan	EDA
EDA	Preliminary Application – New Ulm Community Development Block Grant Revolving Loan Fund/New Ulm Revolving Loan Fund	Information to possibly obtain revolving loan funds.	EDA
Engineering	Application for Permit to Prune, Remove or plant tree(s) located on	Information for the application pertaining to trees.	Engineering

	boulevards, right-of-ways or easement areas.		
Human Resources	Application for employment	Personal information for an employment opportunity.	Human Resources
Human Resources	Employment eligibility verification (form I-9)	Immigration and Naturalization Service form	U.S. Department of Justice or Human Resources
Human Resources	First Report of Injury	Workers comp injury information.	MN Department of Labor and Industry and Human Resources
Human Resources	Form W-4: Employee's Withholding Certificate	Tax withholding certificate	IRS.gov website or Human Resources
Human Resources	Numerous forms for employee withholdings dealing with life insurance, health insurance, retirement plans, etc.	Information concerning employee withholdings.	Miscellaneous organizations or Human Resources
Human Resources	Request for Peace Officer License and Notification of Appointment	Information concerning license for peace officers	Minnesota Board of Peace Officer Standards and Training or Human Resources
Library	Library Card Registration Form	Information for obtaining a library card.	New Ulm Public Library
Park and Recreation (PR)	Number of forms for various park and recreation programs	Information for enrollment into park and recreation programs.	PR
PR	Forms for rental of facilities.	Information for renting out facilities to private parties.	PR
Police Department	Accident Information	Accident information	Police Department
Police Department	Address information request	Address information	Police Department
Police Department	Advanced Taser Use Report	Information on taser use	Police Department
Police Department	Affidavit of forgery	Information for affidavit	Police Department
Police Department	Affidavit of Personal Service	Information for serving this form	Police Department
Police Department	Application for Explosives permit	Information for applying for an explosives permit	Police Department
Police Department	Application for Judicial Determination of Probable Cause to Detain	Information for probable cause to detain suspect	Police Department
Police Department	BATF – National Tracing Center Trace Request Form	Information to obtain trace request.	Police Department
Police Department	Brown County Attorney – Administrative Subpoena	Information for subpoena	Police Department
Police Department	Brown County Evaluation Center Form	Information for detoxification pick-up	Police Department
Police Department	Brown County jail authority to detain	Information for authority to detain prisoners	Police Department
Police Department	Brown County Notice of 72-Hour Police health and Welfare Hold	Information for holding due to health and welfare	Police Department
Police Department	Car Kill Deer Possession Permit	Information on permit	Police Department
Police Department	Citizen's Arrest	Information for a citizen's arrest	Police Department
Police Department	City Attorney's Office – Shoplifting Incident Report	Information on shoplifting incidents	Police Department

Police Department	Consent form	Information for consent to search	Police Department
Police Department	Consent to search	Information for consent to search (in Spanish)	Police Department
Police Department	Crime Victims Reparations Board Application for Reparations	Information on reparation claims	Police Department
Police Department	Defendant Fact Sheet	Information on defendants	Police Department
Police Department	Defendant Fact Sheet	Information on the defendant	Police Department
Police Department	Department of Education – Maltreatment of Students Reporting Form	Information on alleged instances of student maltreatment	Police Department
Police Department	Department of Public Safety – Notice and Order of License Plate Impoundment	Information for impoundment of license plates	Police Department
Police Department	Description Sheet	Information for description of suspects	Police Department
Police Department	Dog-Cat Bite Report	Information for dog and cat bites	Police Department
Police Department	Driver's Traffic Accident Report	Accident information	Police Department
Police Department	DWI Booking and Release Form	Information on DWIs	Police Department
Police Department	DWI Booking and Release Form	Information on DWI	Police Department
Police Department	Evidence Receipt	Information on evidence received	Police Department
Police Department	Exposure Incident Report	Information for incidents relating to exposure to infectious materials	Police Department
Police Department	Firearms Discharge Report – Law Enforcement and Private Security	Information for firearm discharges	Police Department
Police Department	Firearms Implied consent Advisory	Information concerning implied consent advisory in relation to firearms	Police Department
Police Department	First Report of Injury	MN Dept of Labor and Industry to document injuries.	Police Department
Police Department	Incident Report	Information to report incidents	Police Department
Police Department	Investigation Report Fraudulent Checks	Fraudulent check information	Police Department
Police Department	Law Enforcement Officers Killed or Assaulted	Information on incidents where officers are killed or assaulted	Police Department
Police Department	Letter of Declaration	Information obtained for return of recovered property	Police Department
Police Department	Miranda Warning	Miranda warning information	Police Department
Police Department	Missing Persons Form	Information concerning missing persons	Police Department
Police Department	MN Department of Public Safety – Accident Report	Accident information	Police Department
Police Department	MN Department of Public Safety Fatality Report	Information regarding fatalities	Police Department
Police Department	MN DWI Report	Information on DWIs	Police Department
Police Department	MN Firearms Casualty Report Form	Information in relation to firearm casualties	Police Department
Police Department	MN Infant Death Investigation Guidelines Form	Information regarding infant deaths	Police Department
Police Department	MN Pursuit Report Form	Information relating to police pursuits	Police Department

Police Department	MN Recreational Vehicle Accident Report Form	Information regarding recreational vehicle accidents	Police Department
Police Department	MN Uniform Firearm Application/Receipt Permit to Purchase/Transfer	Information for firearm purchase	Police Department
Police Department	Motor Vehicle Implied Consent Advisory	Information for implied consent of DWI testing	Police Department
Police Department	Motor Vehicle theft report	Information concerning motor vehicle thefts	Police Department
Police Department	MRVJDC Phone Referral information Sheet	Information for referral for MRVJDC	Police Department
Police Department	Narcotic		Police Department
Police Department	Narcotic Supplemental Report	Information on narcotic incidents	Police Department
Police Department	Narcotics Report	Information for narcotics report	Police Department
Police Department	Narcotics Supplemental Report	Information for narcotics report	Police Department
Police Department	Notice and Order of Revocation	Information for revoking a license	Police Department
Police Department	Notice of Parent or Guardian (minor traffic offense)	Information for parent or guardian regarding a minor traffic offense.	Police Department
Police Department	Notice of Seizure and Intent to Forfeit Property	Information obtained to complete seizure of property	Police Department
Police Department	Notice of Seizure of Motor Vehicle for Fleeing Police Officer	Information on seizure of a motor vehicle	Police Department
Police Department	Patient Authorization for Release of Information	Information for release of information	Police Department
Police Department	Permission to Display Photographs	Release form	Police Department
Police Department	Property Release receipt	Information on property release receipt	Police Department
Police Department	Relinquish Vehicle Rights Form	Information obtained for relinquishing rights to a vehicle	Police Department
Police Department	Request for Examination of Driver	Information requesting a driver to be reexamined	Police Department
Police Department	Residence Check	Information concerning residence checks	Police Department
Police Department	Ride Along Program	Information for ride along program	Police Department
Police Department	School Notification Letter	Information on minor violations	Police Department
Police Department	Stolen Bicycle card	Information on stolen bicycles	Police Department
Police Department	Supervisor's Report of Accident	Information collected after an accident occurs	Police Department
Police Department	Supplemental Incident Report	Information to report incidents	Police Department
Police Department	Supplementary Homicide Report	Information on a homicide	Police Department
Police Department	Tab Charge	Information on charge of expired tabs	Police Department
Police Department	The Salvation Army voucher	Information release form	Police Department
Police Department	Traffic Charge	Information regarding traffic charges	Police Department
Police Department	Trespass Warning	Information regarding trespassing warning	Police Department

Police Department	Vehicle Impound Sheet	Information on vehicles that are impounded	Police Department
Police Department	Vehicle Impound/Inventory	Vehicle impound information	Police Department
Police Department	Vehicle Insurance Information	Vehicle insurance information	Police Department
Police Department	Victim Referral Form	Information for victim referrals	Police Department
Police Department	Voluntary Statement	Information from voluntary statement	Police Department
Police Department	Warning/Equipment Repair Ticket	Information to repair equipment	Police Department