

## 406 Public and Private Personnel Data

Adopted: March 2005

Revised: April 2009, August 2013

Last review: October 2014, July 2015

### 1 Purpose

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

### 4 Policy

5 A. All data on individuals collected, created, received, maintained or disseminated by the school  
6 district, which is classified by statute or federal law as public, shall be accessible to the public  
7 pursuant to the procedures established by the school district.

8 B. All other data on individuals is private or confidential.

### 9 DEFINITIONS

10 A. “Public” means that the data is available to anyone who requests it.

11 B. “Private” means the data is available to the subject of the data and to school district staff who  
12 need it to conduct the business of the school district.

13 C. “Confidential” means the data is not available to the subject.

14 D. “Parking space leasing data” means the following government data on an application for, or lease  
15 of, a parking space: residence address, home telephone number, beginning and ending work  
16 hours, place of employment, location of parking space, and work telephone number.

17 E. “Personnel data” means data on individuals collected because they are or were employees of the  
18 school district, applicants for employment, volunteers for the school district, or members of or  
19 applicants for an advisory board or commission. Personnel data include data submitted to the  
20 school district by an employee as part of an organized self-evaluation effort by the school district  
21 to request suggestions from all employees on ways to cut costs, make the school district more  
22 efficient, or to improve school district operations. An employee who is identified in a suggestion  
23 shall have access to all data in the suggestion except the identity of the employee making the  
24 suggestion.

25 “Finalist” means an individual who is selected to be interviewed by the school board for a  
26 position.

27 G. “Protected health information” means individually identifiable health information  
28 transmitted in electronic form by a school district acting as a health care provider.  
29 “Protected health information” excludes health information in education records covered  
30 by FERPA and employment records held by a school district in its role as employer.

## 31 PUBLIC PERSONNEL DATA

32 A. The following information on employees, including volunteers and independent contractors, is  
33 public:

- 34 1. name;
- 35 2. employee identification number, which may not be the employee’s social security number;
- 36 3. actual gross salary;
- 37 4. salary range;
- 38 5. contract fees;
- 39 6. actual gross pension;
- 40 7. the value and nature of employer-paid fringe benefits;
- 41 8. the basis for and the amount of any added remuneration, including expense  
42 reimbursement, in addition to salary;
- 43 9. job title;
- 44 10. bargaining unit;
- 45 11. job description;
- 46 12. education and training background;
- 47 13. previous work experience;
- 48 14. date of first and last employment;
- 49 15. the existence and status of any complaints or charges against the employee, regardless of  
50 whether the complaint or charge resulted in a disciplinary action;
- 51 16. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd.  
52 2(b), together with the specific reasons for the action and data documenting the basis of  
53 the action, excluding data that would identify confidential sources who are employees of  
54 the school district;

55 the terms of any agreement settling any dispute arising out of the employment relationship,  
56 including executive director buyout agreements, except that the agreement must include  
57 specific reasons for the agreement if it involves the payment of more than \$10,000 of  
58 public money, and such agreement may not have the purpose or effect of limiting access  
59 to or disclosure of personnel data or limiting the discussion of information or opinions  
60 related to personnel data;

61 18. work location;

62 19. work telephone number;

63 20. badge number;

64 21. honors and awards received; and

65 22. payroll time sheets or other comparable data that are used only to account for employee's  
66 work time for payroll purposes, except to the extent that release of time sheet data would  
67 reveal the employee's reasons for the use of sick or other medical leave or other not public  
68 data.

69 B. The following information on applicants for employment or to an advisory board/ commission is  
70 public:

71 1. veteran status;

72 2. relevant test scores;

73 3. rank on eligible list;

74 4. job history;

75 5. education and training; and

76 6. work availability.

77 C. Names of applicants are private data except when certified as eligible for appointment to a  
78 vacancy or when they become finalists for an employment position.

79 D. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd.  
80 2(b), upon completion of an investigation of a complaint or charge against a public official, as  
81 defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from  
82 employment while the complaint or charge is pending, all data relating to the complaint or charge  
83 are public, unless access to the data would jeopardize an active investigation or reveal  
84 confidential sources.

85

86 **PRIVATE PERSONNEL DATA**

87

88 A. All other personnel data are private and will only be shared with school district staff whose work  
89 requires such access. Private data will not be otherwise released unless authorized by law or by  
90 the employee’s informed written consent.

91 B. Data pertaining to an employee’s dependents are private data on individuals.

92 C. Data created, collected or maintained by the school district to administer employee assistance  
93 programs are private.

94 D. Parking space leasing data are private.

95 E. Personnel data may be disseminated to labor organizations to the extent the school district  
96 determines it is necessary for the labor organization to conduct its business or when ordered or  
97 authorized by the Commissioner of the Bureau of Mediation Services.

98 F. The school district may display a photograph of a current or former employee to prospective  
99 witnesses as part of the school district’s investigation of any complaint or charge against the  
100 employee.

101 G. The school district may, if the responsible authority or designee reasonably determines that the  
102 release of personnel data is necessary to protect an employee from harm to self or to protect  
103 another person who may be harmed by the employee, release data that are relevant to the concerns  
104 for safety to:

105 1. The person who may be harmed and to the attorney representing the person when the data  
106 are relevant to obtaining a restraining order;

107 2. A pre-petition screening team conducting an investigation of the employee under Minn.  
108 Stat. § 253B.07, Subd. 1; or

109 3. A court, law enforcement agency or prosecuting authority.

110 H. Private personnel data or confidential investigative data on employees may be disseminated to a  
111 law enforcement agency for the purpose of reporting a crime or alleged crime committed by an  
112 employee, or for the purpose of assisting law enforcement in the investigation of such a crime or  
113 alleged crime.

114 I. A complainant has access to a statement provided by the complainant to the school district in  
115 connection with a complaint or charge against an employee.

116 When allegations of sexual or other types of harassment are made against an employee, the employee  
117 shall not have access to data that would identify the complainant or other witnesses if the school  
118 district determines that the employee's access to that data would:

- 119 1. threaten the personal safety of the complainant or a witness; or
- 120 2. subject the complainant or witness to harassment.

121 If a disciplinary proceeding is initiated against the employee, data on the complainant or witness  
122 shall be available to the employee as may be necessary for the employee to prepare for the  
123 proceeding.

124 K. The school district shall make any report to the board of teaching or the state board of education  
125 as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing  
126 board having jurisdiction over a teacher's license, provide the licensing board with information  
127 about the teacher from the school district's files, any termination or disciplinary proceeding, and  
128 settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20,  
129 Subd. 2.

130 L. Private personnel data shall be disclosed to the department of economic security for the purpose  
131 of administration of the unemployment insurance program under Minn. Stat. Ch. 268.

132 M. When a report of alleged maltreatment of a student in a school is made to the Commissioner of  
133 Education, data that are relevant and collected by the school about the person alleged to have  
134 committed maltreatment must be provided to the Commissioner on request for purposes of an  
135 assessment or investigation of the maltreatment report.

136 N. The school district shall release to a requesting school district or charter school private personnel  
137 data on a current or former employee related to acts of violence toward or sexual contact with a  
138 student, if an investigation conducted by or on behalf of the school district or law enforcement  
139 affirmed the allegations in writing prior to release and the investigation resulted in the resignation  
140 of the subject of the data.

141 O. The identity of an employee making a suggestion as part of an organized self-evaluation effort by  
142 the school district to cut costs, make the school district more efficient, or to improve school  
143 district operations is private.

144 P. Health information on employees is private unless otherwise provided by law. To the extent that  
145 the school district transmits protected health information, the school district will comply with all  
146 privacy requirements.

## 147 **MULTIPLE CLASSIFICATIONS**

148 If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other  
149 state or federal law, the data are private.

150 **CHANGE IN CLASSIFICATIONS**

151 The school district shall change the classification of data in its possession if it is required to do so to  
152 comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a  
153 specific statute applicable to the data in the possession of the disseminating or receiving agency.

154 **RESPONSIBLE AUTHORITY**

155 The school district has designated executive director as the authority responsible for personnel data. If  
156 you have any questions, contact her.

157

158 *Legal References:* Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

159 Minn. Stat. § 13.02 (Definitions)

160 Minn. Stat. § 13.37 (General Nonpublic Data)

161 Minn. Stat. § 13.39 (Civil Investigation Data)

162 Minn. Stat. § 13.43 (Personnel Data)

163 Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)

164 P.L. 104-191 (HIPAA)

165 45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

166

167 *Cross References:* MSBA/MASA Model Policy 206 (Public Participation in School Board  
168 Meetings/Complaints about Persons at School Board Meetings and Data Privacy  
169 Considerations)

170 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

171 MSBA Service Manual, Chapter 13, School Law Bulletin “I” (School Records –  
172 Privacy – Access to Data)

173