

Personnel

Public and Private Personnel Data

I. Purpose

This policy provides guidance to school district employees as to the treatment of data the district collects and maintains regarding its personnel.

II. General Statement of Policy

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

III. Definitions

- A. "Public" data means the data is available to anyone who requests it.
- B. "Private" data means the data is available to the subject of the data and to district employees who need it to conduct the business of the district.
- C. "Confidential" data means the data is not available to the subject.
- D. "Personnel data" means government data on individuals maintained because they are or were employees of the district, applicants for employment, or volunteers or independent contractors for the district, or members of or applicants for an advisory board or commission.
- E. "Finalist" means an individual who is selected to be interviewed by the district for a position.
- F. "Protected health information" means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider. "Protected health information" excludes health information in education records covered by the federal Family Educational Rights and Privacy Act and employment records held by a school district in its role as employer.
- G. "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; chief financial officers; directors; and individuals defined as superintendents and principals.

IV. Public Personnel Data

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

1. Personal Information

- a. Name
- b. Education and training background
- c. Previous work experience

2. Compensation-related information

- a. Actual gross salary
- b. Salary range
- c. Terms and conditions of employment relationship
- d. Contract fees
- e. Actual gross pension
- f. Value and nature of employer-paid fringe benefits
- g. Basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary
- h. Payroll time sheets or other comparable data that are used only 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 not public data

3. Work and performance information

- a. Job title
- b. Employee identification number, which may not be the employee's social security number
- c. Bargaining unit
- d. Job description
- e. Date of first and last employment
- f. Work location
- g. Work telephone number
- h. Work email address(es)
- i. Badge number
- j. Work-related continuing education
- k. Honors and awards received
- l. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
- m. The final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district regardless of whether there has been a final disposition, 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.

- n. data relating to a complaint or charge against a public official is public only if: (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement. Data that is classified as private under another law is not made public by this provision.
- o. The complete terms of any agreement settling any dispute arising out of the employment relationship, including superintendent 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

4. Applicants for employment

With respect to employment applicants, the following information is public information:

- a. The names of “finalists” are public. (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.)
- b. Veterans status
- c. Relevant test scores
- d. Rank on eligible list
- e. Job history
- f. Education and training
- g. Work availability

V. Private Personnel Data

- A. If not specifically noted as public data in Section IV above, all other personnel data are private data and will only be shared with district employees whose work requires access. Private data will not be otherwise released unless authorized by law or by the employee’s informed written consent.
- B. Data pertaining to an employee’s dependents are private data on individuals.
- C. Data created, collected or maintained by the school district to administer employee assistance programs are private.
- D. An individual’s checking account number is private when submitted to a government entity.
- E. Personnel data may be disseminated to labor organizations to the extent the district determines it is necessary for the labor organization to conduct its business or when authorized by the commissioner of the bureau of mediation services.

- F. The district may display a photograph of a current or former employee to prospective witnesses as part of the district's investigation of any complaint or charge against the employee.
- G. The district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee 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 prepetition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
 - 3. A court, law enforcement agency, or prosecuting authority.
- H. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- I. A complainant has access to a statement provided by the complainant to the district in connection with a complaint or charge against an employee.
- J. 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 the district 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 is available to the employee as may be necessary for the employee to prepare for the proceeding.

- K. The district will make any report to the Minnesota Department of Education (MDE) as required by Minn. Stat. § 122A.20, Subd. 2, and will, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- L. Private personnel data will be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.

- M. When a report of alleged maltreatment of a student in a school is made to the commissioner of education, data relevant to and collected by the district 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 informing a parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- N. The district must release to a requesting 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 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 the employee resigned while a complaint or charge involving the allegations was pending, that if 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 Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.
- O. The identity of an employee making a suggestion, as part of an organized self-evaluation effort by the district to cut costs, make the district more efficient, or to improve district operations, is private.
- P. Health information on employees is private unless otherwise provided by law. To the extent that the district transmits protected health information, the district will comply with all privacy requirements.
- Q. Personal home contact information for employees may be used by the district and shared with other governmental entities in the case of an emergency event or other disruption to ensure the operational continuity for the district or governmental entity.
- R. 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 the school district 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.
- S. When a teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the commissioner of the MDE makes a final determination of child maltreatment involving a teacher, 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 Minn. Stat. § 13.41, Subd. 5, and must provide the Board of Teaching and the licensing division at MDE with the necessary and relevant information to enable the Board of Teaching 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 Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Board of Teaching 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 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 district seeks the information because the subject of the data has applied for employment with the requesting district.

VI. Multiple Classifications

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

VII. Change in Classifications

The district will change the classification of data in its possession 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 entity.

VIII. Responsible Authority

The district has designated the director of human resources as the authority responsible for personnel data.

IX. Employee Authorization/Release Form

An employee authorization form is included as an Appendix to this policy.

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. § 13.601, Subd. 3 (Elected and Appointed Officials)

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

Minn. Stat. § 122A.40, Subds 13 and 16 (Employment; Contracts; Termination)
Minn. Stat. § 626.556, Subd. 7 (Reporting of Maltreatment of Minors)
P.L. 104-191 (HIPPA)
45 C.F.R. Parts 160 and 164 (HIPPA Regulations)

Cross References:

Policy 206 (Public Hearings and Public Participation in School Board Meetings, Data
Privacy Considerations)
Policy 515 (Protection and Privacy of Student Records)

Policy
adopted: 9/22/08
revised: 5/28/13
revised: 6/13/16

INDEPENDENT SCHOOL DISTRICT 273
Edina, Minnesota

Appendix I to Policy 406

CONSENT TO RELEASE DATA, INFORMED CONSENT

Request from an Individual Employee

An individual asks the government entity to release his/her private data to an outside entity or person. Because the entity does not have statutory authority to release the data, it must get the individual's written informed consent.

If you have any questions about the information on or purpose of this form, or would like more explanation, please contact the Director of Human Resources (952-848-4909) before you sign it.

I, _____, give my permission for Edina Public
[name of individual data subject]

Schools to release data about me to _____ as
[name of other entity or person]
described on this form.

Private Data Requested to be Released: _____

Private Data Not to be Released: _____

Specific purpose for which the entity or person can use the provided data:

Date of expiration of this consent: _____

By my signature below, I recognize that although the data are classified as private for Edina Public Schools, the classification/treatment of the data may not be considered private to the entity or person to which the information is being released. I understand that this consent will expire one year from the date of the signature below, although I can revoke this consent at any time.

Individual data subject's signature _____ Date _____

Parent/guardian's signature *[if needed]* _____ Date _____