

City of Brooklyn Center
DATA PRACTICES PROCEDURES

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City of Brooklyn Center

DATA PRACTICES PROCEDURES

I. Introduction.

These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the "Act"), specifically Minnesota Statutes Section 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 is the City Manager. The responsible authority has designated 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 which gives it a different classification.

A. People Entitled to Access. Any person has the right to inspect and copy public data. 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.

B. Form of Request. The request for public data may be verbal or written. The responsible authority or designee may require a verbal request to be made in writing, whenever a written request will assist the responsible authority or designee in performing his or her duties.

C. Time Limits.

➤ **Requests.** Requests will be received and processed only during normal business hours.

➤ **Response.** If the request is made by someone other than the data subject and access or copies cannot be made at the time of the request, copies must be supplied as soon as reasonably possible. If the request is made by the data subject, the response must be immediate, if possible, or within 10 working days if an immediate response is not possible.

D. Fees.

- **No Fees Charged.** No fee may be charged for merely inspecting data. An inspection of data includes instances where the City prints copies of data, when the only method of providing for inspection is to print a copy. When copies are requested and a fee is charged for copies, no fee may be charged for time spent separating public from not public data.
- **Fees Charged.** 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 standard copying policy, attached as Exhibit 2. If the time required to search for and retrieve the requested data is significant, the fee will include the actual cost of searching for, retrieving, copying, or electronically transmitting the data.

The responsible authority may 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. The responsible authority may also charge a fee for remote access to data where the data or the access is enhanced at the request of the person seeking access.

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. The forms used to collect private and confidential information are contained in Appendix B.

A. People Entitled to Access.

- Public information about an individual may be shown or given to anyone.
- Private information about an individual may be shown or given to:
 - The individual data subject, but only once every six months, unless a dispute has arisen or additional data has been collected.
 - A person who has been given access by the express written consent of the individual data subject. This consent must be on the form attached as Exhibit 3, or on a reasonably similar form.

-
- People who are authorized access by the federal, state, or local law or court order.
 - 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.
 - People within the City staff, the City Council, and outside agents under contract with the City (e.g., insurance adjusters or attorneys) whose work assignments or responsibilities reasonably require access.

Confidential information may not be given to the subject of the data, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within the City staff, the City Council, and outside agents under contract with the City (e.g., insurance adjusters or attorneys) whose work assignments or responsibilities reasonably require access.

B. Form of Request. Any individual may request verbally or in writing as to whether 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. Verification 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, or other reasonable means.

D. Time Limits.

- **Requests.** Requests will be received and processed only during normal business hours.
- **Response.** The response must be immediate, if possible, or within 10 working days, if an immediate response is not possible.

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

F. Summary Data. Summary data means statistical records and reports derived from data on individuals but which do 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 10 days after receiving the request. If the summary data cannot be prepared within 10 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, including the person requesting the summary data, to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person signs a nondisclosure agreement that meets the requirements of Minnesota Rules, Pt. 1205.0700, subp. 5, and (3) the responsible authority determines that access by the 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 state law, court order, or other legally binding document which prohibits this right.
- **Notice to Juvenile.** Before requesting private data from juveniles, City personnel must notify the juveniles that they may request that the information not be given to their parent(s). This notice should be in the form attached as Exhibit 6.
- **Denial of Parental Access.** The responsible authority or designee may deny parental access to private data when the juvenile requests this denial and the responsible authority or designee determines that withholding the data would be in the best interest of the juvenile.

The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:

- Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences of denying parental access,
- Whether denying parental access may protect the juvenile from physical or emotional harm,
- Whether there is reasonable grounds to support the juvenile's reasons for denying parental access, and
- Whether the data concerns medical, dental, or other health services provided under Minn. Stat. § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The responsible authority or designee may also deny parental access without a request from the juvenile under Minn. Stat. § 144.335, or under any other state or federal statute that allows or requires denial of parental access and that provides standards for denying parental access.

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 as 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, 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 *Tennessee* warning. This warning must contain the following:

- the purpose and intended use of the requested data,
- whether the individual may refuse or is legally required to supply the requested data,
- any known consequences from supplying or refusing to supply the information, and
- the identity of other persons or entities authorized by state or federal law to receive the data.

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

A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 7.

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. The responsible authority should provide the data subject with a written statement that informs the data subject of the right to appeal and should also provide a copy of Minnesota Rules, Pt. 1205.1600.

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 Minn. Stat. Chap. 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 or the City Clerk or Finance Director, 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 to delete items that are not necessary and to clarify items that may be ambiguous.
- 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 which 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:
 - not discuss, disclose, or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data,
 - not leave private or confidential data where non-authorized individuals might see it, and
 - shred private or confidential data before discarding.

- 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 8.

Exhibit 1

LIST OF RESPONSIBLE AUTHORITY AND DESIGNEES

Responsible Authority

City Manager

Records

All records

Designees

Community Activities, Recreation
and Services Director

Community Activities,
Recreation and Services
Department

Chief of Police

Police Department

Community Development Director

Community Development
Department

Public Works Director/City Engineer

Public Works Department

Fire Chief

Fire Department

Finance Director

Finance Department

Assistant City Manager/Director of Operations

All records

Human Resources Director

Human Resources Department

City Clerk

All records

Assessor

Assessing

Building Official

Building Inspections

Finance Technician

Payroll

Deputy Director of Public Works

Public Works Department

Earle Brown Heritage Center Manager

Earle Brown Heritage Center

Exhibit 2

CITY PHOTOCOPY CHARGE POLICY

<p>Copy Charges for Public Government Data Requests Not From the Data Subject</p> <p style="padding-left: 40px;">100 Pages or Fewer Black and White Photocopies 8.5 x 11 or 8.5 x 14 Two-Sided Copy (8.5 x 11 or 8.5 x 14)</p> <p>All Other Public Government Data Requests</p> <p>The City will charge the requester actual costs of <i>searching</i> for and <i>retrieving</i> the data, including the cost of employee time, and for <i>making</i>, <i>certifying</i>, <i>compiling</i>, and <i>transmitting</i> copies of the data or the data themselves</p> <p>Exception: There will be no charges for searching, retrieving, compiling, and electronically transmitting readily available data</p>	<p>Minn. Stat. 13.03</p> <p>\$0.25 \$0.50</p> <p>Actual Costs Labor – \$0.40 per minute Paper – \$0.01 per sheet Photocopier – \$0.01 per page Black/White Printer – \$0.02 per page Color LaserJet Printer – \$0.09 per color page</p> <p>Other Actual Costs that may or may not be included – refer to the document Fees For Providing Copies of Public Government Data compiled by the State of Minnesota, Department of Administration, Information Policy Analysis Division at www.ipad.state.mn.us or 651-296-6733</p> <p>Total Actual Costs require that you add labor cost at \$0.40 per minute to the supply and materials costs to establish total actual costs</p>
<p>Copy Charges for Public Government Data Requests By the Subject of Data</p> <p>When the requester is the subject of the data, the City <i>will not charge for searching for and retrieving data</i>. The requester will be charged the actual costs associated with <i>making</i>, <i>certifying</i>, <i>compiling</i>, or <i>transmitting</i> copies of the data themselves.</p> <p>Exception: There will be no charge for compiling and electronically transmitting readily available data.</p>	<p>Actual Costs \$0.15 per page</p>

Exhibit 3

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of _____ ("City") to
(print name)

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 noncancellable 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: x _____

Identification: Driver's License, State ID, Passport, other: _____

Comparison with signature on file

Other: _____

Responsible Authority/Designee:

Exhibit 4

**CITY OF BROOKLYN CENTER
 INFORMATION DISCLOSURE REQUEST
 Minnesota Government Data Practices Act**

A. Completed by Requester

REQUESTER NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP CODE:	SIGNATURE:
DESCRIPTION OF THE INFORMATION REQUESTED:	

B. Completed by Department

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: PUBLIC NON-PUBLIC PRIVATE PROTECTED NON-PUBLIC CONFIDENTIAL	ACTION: APPROVED APPROVED IN PART (Explain below) DENIED (Explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: NONE _____ Pages x ____4 = _____ Pages x ____4 = _____ Special Rate: _____ (attach explanation)	IDENTITY VERIFIED FOR PRIVATE INFORMATION: IDENTIFICATION: DRIVER'S LICENSE, STATE ID, Etc. COMPARISON WITH SIGNATURE ON FILE PERSONAL KNOWLEDGE OTHER: _____
AUTHORIZED SIGNATURE:	

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. AUTHORIZATION. City of Brooklyn Center ("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 A [*Exhibit A to be attached at time agreement is signed.*]

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 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 which 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 which 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 _____

By: _____

Date: _____

Its: _____

Exhibit 6

NOTICE TO PERSONS UNDER AGE OF 18

Some of the information you are asked to provide is classified as private under state law. You have the right to request that some or all of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minn. Stat. § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____ *DATE:* _____

By: _____ *(name)* _____ *(title)*

REQUEST TO WITHHOLD INFORMATION

I request that the following information: _____

Be withheld from: _____

For these reasons: _____

Date: _____ Print Name: _____ Signature: _____

Exhibit 7

DATA PRACTICES ADVISORY

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 which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which 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 who are authorized by law to receive this information are:

_____.

Exhibit 8

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

The list of data types is divided into the following categories: **General; Administration; Community Development; Personnel; and Public Safety.** The categories are provided only for convenience in locating types of data; inclusion in any particular category is not intended to indicate an exclusive location for that data type. (E.g., data listed under Personnel may be physically located in more than one City department.)

GENERAL

City Attorney Records

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.30

DESCRIPTION OF DATA: The use, collection, storage, and dissemination of data by the city attorney is governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data which is the subject of attorney-client privilege is confidential. Data which is the subject of the "work product" privilege is confidential.

Civil Investigative Data

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.39

DESCRIPTION OF DATA: 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.

Community Dispute Resolution Center Data

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.88

DESCRIPTION OF DATA: Data relating to a case in a community dispute resolution program.

Elected Officials Correspondence

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.33

DESCRIPTION OF DATA: Correspondence between individuals and elected officials.

Emergency Services for Homeless Persons

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.541

DESCRIPTION OF DATA: Data that identifies any individual receiving emergency services for homeless persons from the city under a grant from a state agency.

Identity of Employees Making Complaints

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd 59b; § 181.932, subd.2

DESCRIPTION OF DATA: The identity of an individual who reports to any governmental body or law enforcement official a violation or suspected violation by the individual's employer of any federal or state law or rule; the identity of an individual who is requested by a public body or office to participate in an investigation, hearing, or inquiry regarding the individual's employer, under specified circumstances; and the identity of an employee of a health care facility, organization or provider, where the employee in good faith reports that his or her employer violated a standard established by federal or state law or a professionally recognized national clinical or ethical standard that potentially places the public at risk of harm.

Internal Auditing Data

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.392

DESCRIPTION OF DATA: Data, notes, and preliminary drafts of reports created, collected and maintained by the internal audit offices of the city or by person performing audits for the city and relating to an audit or investigation; data on an individual supplying information for an audit or investigation, under specified circumstances.

Internal Competitive Proposal

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: A proposal to provide government services that is prepared by the staff of a political subdivision in competition with proposals solicited by the political subdivision from the private sector.

Sealed Bids

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: Sealed bids, including the number of bids received, prior to opening.

Security Information

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: 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.

Social Security Numbers

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.49

DESCRIPTION OF DATA: Social security numbers of individuals.

Trade Secret Information

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: Data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

ADMINISTRATION

Absentee Ballots

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: Sealed absentee ballots before opening by an election judge.

Assessor's Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.51

DESCRIPTION OF DATA: Data on sales sheets from private multiple listing service organizations; income information on individuals used to determine eligibility of property for classification 4c under Minn. Stat. § 273.13, Subd. 25(c); and specified data regarding income properties.

Deferred Assessment Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.52

DESCRIPTION OF DATA: Data collected pursuant to Minn. Stat. § 435.193, which indicates the amount or location of cash or other valuables kept in the homes of applicants for deferred assessment.

Federal Contracts Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.35

DESCRIPTION OF DATA: Data on individuals collected and maintained by the City because it contracts with a federal agency, where the federal agency requires that the data be maintained as private data as a condition of the contract.

Homestead Applications

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 86; § 273.124, subd. 13

DESCRIPTION OF DATA: Social security numbers, affidavits or other proofs of entitlement to homestead status that are submitted by property owners or their spouses.

Library and Historical Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.40

DESCRIPTION OF DATA: Data that links a library patron's name with materials requested or borrowed or with a specific subject about which the patron has requested information; data in applications for borrower cards, other than the name of the borrower; data contributed to a historical records repository operated by the city, if the data was contributed under an agreement that restricts access or if access would significantly endanger the physical or organizational integrity of the data.

Lodging Tax Data

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.511

DESCRIPTION OF DATA: Data, other than basic taxpayer identification data, collected from taxpayers under a lodging tax ordinance.

Municipal Bonds Register Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 100; § 475.55, subd. 6

DESCRIPTION OF DATA: Data with respect to the ownership of municipal obligations.

Municipal Electric Utility Customer Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.612

DESCRIPTION OF DATA: Data on customers of municipal electric utilities.

Municipal Self-Insurer Claims

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 98; § 471.617, subd. 5

DESCRIPTION OF DATA: Data about individual claims or total claims made by an individual under a self-insured health benefit plan of a municipality.

Parking Space Leasing Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: The following data on an applicant for or lessee of a parking space: residence address, home telephone number, beginning and ending work hours, place of employment, work telephone number and location of parking space.

Registered Voter Lists

CLASSIFICATION(S): Confidential/Public

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 63a; § 201.091

DESCRIPTION OF DATA: Information contained in the master list of registered voters.

Security Service Data

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.861

DESCRIPTION OF DATA: Data collected, created, or maintained by a security service for the purpose of providing security services to a political subdivision.

Social Recreational Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.57

DESCRIPTION OF DATA: 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.

Solid Waste Collector Customer Lists

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 21c; § 115A.93, subd. 5

DESCRIPTION OF DATA: Customer lists provided to the city by solid waste collectors.

Transportation Service Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.521

DESCRIPTION OF DATA: Personal, medical, financial, familial, or locational information data, except name, of applicants or users of transportation services for the disabled or elderly.

COMMUNITY DEVELOPMENT**Appraisal Data**

CLASSIFICATION(S): Confidential/Public

GOVERNING STATUTE: Minn. Stat. § 13.50

DESCRIPTION OF DATA: Appraisals made for the purpose of selling or acquiring land through purchase or condemnation.

Award Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.48

DESCRIPTION OF DATA: Financial data on business entities submitted to the City for the purpose of presenting awards to business entities for achievements in business development or performance.

Benefit Data

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.31

DESCRIPTION OF DATA: Data on individuals collected or created because an individual seeks information about becoming, is, or was an applicant or recipient of benefits or services provided under any housing, home ownership, rehabilitation and community action agency, Head Start, or food assistance programs administered by the City.

Convention Center Data

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.55

DESCRIPTION OF DATA: Letter or documentation from any person who makes inquiry to or who is contacted by the convention facility regarding availability of the facility; identity of firms and corporations that contact the facility; type of event that the contacting person wants to stage in the facility; suggested terms of rentals and responses of staff to such inquiries; names, addresses and contact persons for individual exhibitors if the facility determines that privacy is necessary to protect the competitive position of the facility or its customers.

Economic Assistance Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.62

DESCRIPTION OF DATA: Specified data collected by cities in their administration of city economic development assistance programs.

Housing Agency Data

CLASSIFICATION(S): Confidential/Private

GOVERNING STATUTE: Minn. Stat. § 13.54

DESCRIPTION OF DATA: Correspondence between the agency and agency=s attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation; income information on individuals collected and maintained to determine property tax classification eligibility.

Property Complaint Data

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.44

DESCRIPTION OF DATA: Data that identifies individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

Redevelopment Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.59

DESCRIPTION OF DATA: Names and addresses of individuals and the legal descriptions of property owned by individuals, when collected in surveys of individuals conducted by the City or Housing and Redevelopment Authority for the purposes of planning, development, and redevelopment.

PERSONNEL**Employee Drug and Alcohol Tests**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 59a; § 181.954, subd. 2

DESCRIPTION OF DATA: Results of employee drug and alcohol tests.

Employment and Training Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.47

DESCRIPTION OF DATA: Data on individuals collected, maintained, used, or disseminated because an individual applies for, is currently enrolled in, or has been enrolled in employment and training programs funded with federal, state or local resources.

Examination Data

CLASSIFICATION(S): Private/Confidential

GOVERNING STATUTE: Minn. Stat. § 13.34

DESCRIPTION OF DATA: Completed versions of personnel and licensing examinations.

Human Rights Data

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.552; § 363.06; § 363.061

DESCRIPTION OF DATA: Data maintained by the human rights department of the city, including: investigative data in an open case file; the name and address of the charging party or respondent, factual basis of the allegations, and statute or ordinance under which the charge is brought; investigative data in a closed case file.

Labor Relations Information

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.37

DESCRIPTION OF DATA: 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 create to prepare the management position.

Personnel and Employment Data

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.43

DESCRIPTION OF DATA: Data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a state agency, statewide system or political subdivision or is a member of or an applicant for an advisory board or commission.

Salary Benefit Survey Data

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.45

DESCRIPTION OF DATA: Salary and personnel benefit survey data purchased from consulting firms, nonprofit corporations or associations or obtained from employers with the written understanding that the data shall not be made public.

PUBLIC SAFETY**911 Emergency Telephone Service**

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 96b; § 403.07, subs. 3 and 4

DESCRIPTION OF DATA: Names, addresses and telephone numbers provided to a 911 system.

Arson Investigation

CLASSIFICATION(S): Confidential/Public

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 91; § 299F.055; § 299F.056

DESCRIPTION OF DATA: Information relating to a fire loss or potential fire loss and obtained pursuant to Minn. Stat. § 299C.052 to 299C.057.

Child Abuse Report Records

CLASSIFICATION(S): Private/Confidential

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 112; § 13.82, subds. 5a and 5b; § 626.556

DESCRIPTION OF DATA: Reports made pursuant to Minn. Stat. § 626.556, subd. 3 of possible incidents of child abuse or neglect; identities of individuals making such reports.

Corrections and Detention Data

CLASSIFICATION(S): Confidential/Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.85

DESCRIPTION OF DATA: Data on individuals created, collected, used or maintained by a municipal correctional or detention facility, the release of which would disclose medical, psychological, financial or personal information not related to the individual=s detainment or which would endanger an individual=s life; detention data, the release of which would endanger an individual=s life, endanger the effectiveness of an investigation, identify a confidential informant, or clearly endanger the security of any institution or its population.

Crime Victim Notice of Release

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 107; § 611A.06

DESCRIPTION OF DATA: All identifying information regarding a crime victim, including a victim=s request for notice of release and a notice of release made pursuant to Minn. Stat. § 611A.06.

Criminal Gang Investigative Data System

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 90b; § 299C.091

DESCRIPTION OF DATA: Data maintained to document an entry into the criminal gang information system, and data in the criminal gang information system.

Criminal History Data

CLASSIFICATION(S): Private/Public

GOVERNING STATUTE: Minn. Stat. § 13.87

DESCRIPTION OF DATA: Data maintained in criminal history records compiled by the bureau of criminal apprehension and disseminated through the criminal justice information system.

Data on Videotape Consumers

CLASSIFICATION(S): Confidential/Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 92b; § 325I.02, subd. 2

DESCRIPTION OF DATA: Personally identifiable information concerning a videotape consumer that a law enforcement agency obtains in connection with an action commenced by the videotape seller or provider to collect fines for overdue or unreturned videotapes or collection for unpaid videotapes.

Detention Data

CLASSIFICATION(S): Private/Confidential/Public

GOVERNING STATUTE: Minn. Stat. § 13.85; § 13.86

DESCRIPTION OF DATA: Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in a correctional or detention facility, including a municipal jail or lockup.

Diversion Program Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 90a; § 299C.46, subd. 5

DESCRIPTION OF DATA: Names and identifying data concerning diversion program participants that is maintained in the criminal justice information system.

Domestic Abuse Data

CLASSIFICATION(S): Confidential/Public

GOVERNING STATUTE: Minn. Stat. § 13.80

DESCRIPTION OF DATA: Data on individuals collected, created, received or maintained by police departments pursuant to the domestic abuse act.

Firearms Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.36

DESCRIPTION OF DATA: Data about the purchase or transfer of firearms and applications for permits to carry firearms.

Hazardous Substance Emergency

CLASSIFICATION(S): Nonpublic

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 91a; § 299F.095; § 299F.096, subd. 1

DESCRIPTION OF DATA: Information contained in hazardous materials notification reports made pursuant to Minn. Stat. § 299F.091 to 299F.099.

Health Data

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.38

DESCRIPTION OF DATA: Data on individuals created, collected, received or maintained by the city relating to the identification, description, prevention, and control of disease or as part of an epidemiologic investigation designated by the commissioner of health as necessary to analyze, describe or protect the public health.

Investigative Detention Data

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.86

DESCRIPTION OF DATA: Data created, collected, used or maintained by a municipal correctional or detention facility that, if revealed, would identify an informant who provided information about suspected illegal activities and is likely to subject the informant to physical reprisals by others.

Law Enforcement Data

CLASSIFICATION(S): Private/Confidential/Public

GOVERNING STATUTE: Minn. Stat. § 13.82

DESCRIPTION OF DATA: Audio recording of a call placed to a 911 system; investigative data collected or created by a law enforcement agency in order to prepare a case against a person for the commission of a crime or other offense for which the agency has primary investigative responsibility; photographs that are part of inactive investigative files and that are clearly offensive to common sensibilities; data that identifies a victim or reporter of child abuse or neglect or vulnerable adult maltreatment; investigative data that becomes inactive due to a decision not to pursue charges or expiration of the time to bring charges and that relates to alleged abuse or neglect of a child by a person responsible for the child's care; investigative data that becomes inactive due to a decision not to pursue charges or the expiration of time to bring charges and that relates to the alleged maltreatment of a vulnerable adult by a caregiver or facility; data on court records relating to certain name changes; identity of undercover law enforcement officers; identities of other specified persons; data in arrest warrant indices; unique descriptions of stolen, lost, confiscated, or recovered property; financial records of a program that pays rewards to informants; data on registered criminal offenders; data in missing children bulletins; data that reflect deliberative processes or investigative techniques of law enforcement agencies; data that would reveal the identity of persons who are customers of a licensed pawnbroker or secondhand goods dealer.

Peace Officer Discipline Procedures

CLASSIFICATION(S): Confidential/Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 114; § 626.89, subd. 6; § 13.43

DESCRIPTION OF DATA: Investigative report made by a law enforcement agency in connection with a peace officer disciplinary matter; identities of confidential informants in such matters; identities of witnesses expected to testify in disciplinary hearings.

Peace Officer Records on Juveniles

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 79; § 260B.171, subd. 5.

DESCRIPTION OF DATA: Peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts.

Reports of Gunshot Wounds

CLASSIFICATION(S): Confidential

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 111; § 626.53

DESCRIPTION OF DATA: A report made by a health professional concerning a wound or injury arising from or caused by discharge of a firearm or inflicted by the perpetrator of a crime using a dangerous weapon other than a firearm.

Sex Offender HIV Tests

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 107a; § 611A.19, subd. 2

DESCRIPTION OF DATA: Results of HIV tests of sex offenders must be handled in accordance with Minn. Stat. § 611A.19.

Sexual Assault Crime Victims

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 105; § 609.3471

DESCRIPTION OF DATA: Data that identifies a victim who is a minor, in records or reports relating to petitions, complaints or indictments made for criminal sexual conduct in the first, second, third or fourth degrees.

Undercover Buy Fund

CLASSIFICATION(S): Confidential/Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 90; § 299C.065, subd. 4

DESCRIPTION OF DATA: An application to the commissioner of public safety for a grant pursuant to Minn. Stat. § 299C.065; information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators; information in a report at the conclusion of an investigation pertaining to the identity or location of an assisted witness.

Use of Motor Vehicle to Patronize Prostitutes

CLASSIFICATION(S): Private

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 104; § 609.324, subd. 5

DESCRIPTION OF DATA: Notation in a driving record that the driver has used a motor vehicle to patronize prostitutes.

Videotapes of Child Abuse Victims

CLASSIFICATION(S): Private/Confidential

GOVERNING STATUTE: Minn. Stat. § 13.391; § 13.99, subd. 110a; § 611A.90

DESCRIPTION OF DATA: Videotapes in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse.

Vulnerable Adult Report Records

CLASSIFICATION(S): Private/Confidential

GOVERNING STATUTE: Minn. Stat. § 13.99, subd. 113; § 13.82, subds. 5c and 5d; § 626.557, subd. 12b

DESCRIPTION OF DATA: Reports made pursuant to Minn. Stat. § 626.557 of possible incidents of maltreatment of vulnerable adults; identities of individuals making such reports.

APPENDIX B

FORMS WHICH REQUEST PRIVATE OR CONFIDENTIAL DATA

TENNESSEN ADVISORY #1

Tennessee Warning/Voluntary Interview Employee Under Investigation

The City of Brooklyn Center is investigating a complaint of employee misconduct which has been lodged against you.

Current Brooklyn Center City policy requires that you be advised that any admissions which you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline.

The Minnesota Government Data Practices Act requires that you be advised of the following:

1. The City of Brooklyn Center is investigating a complaint of employee misconduct which has been lodged against you. You are being asked to provide information for use in investigating your performance of official duties or your fitness for office.
2. Any information that you provide will be used to complete the investigation, to determine whether discipline should be imposed, and to determine the appropriate measure of discipline, if any. The information about yourself will become a permanent part of your personnel file and may be relied upon in future performance evaluations or proceedings in which your employment or performance is at issue.
3. You may, at this time, refuse to provide this information. You may refuse entirely to make any statement, and you are free to leave this interview now and at any time. Unless advised differently, your refusal to be interviewed or to provide any information will not result in disciplinary action against you.
4. If you supply the information, it could result in no discipline or adverse effect on your employment. However, any admissions that you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis of discipline. Supplying the information can result in adverse effects on your employment, including negative performance evaluations or discipline. Negative performance evaluations or discipline could adversely affect your chances for continued employment, promotion, or future employment.
5. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of data, which includes you, and may include someone other than yourself.

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- b. Individuals within the City of Brooklyn Center whose work assignments reasonably require access to the information you provide.
- c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include, but are not limited to, the following:
1. **Law enforcement agencies.** The information which you provide may be made available to a law enforcement agency or prosecuting authority for purpose of initiating or furthering a criminal investigation.
 2. **Contracting parties.** If a contract between the City of Brooklyn Center and any person or entity requires access to the information you provide, such information shall be made available to such parties.
 3. **City of Brooklyn Center attorneys.** The information you provide may be shared with attorneys for the City of Brooklyn Center, if such information is related to a matter upon which the City of Brooklyn Center has sought legal advice.
 4. **Documentation supporting disciplinary action.** If disciplinary action, including oral or written reprimand, suspension with or without pay, or termination is imposed as a result of the allegations now made against you, the information which you provide may be made available to the public as documentation supporting final disciplinary action.
 5. **Change in classification.** The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have provided.
 6. **Court order.** The information you provide will be made available to any persons or entities authorized by court order to have access to such information.
 7. **Court/hearing officer/witnesses.** The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.

- 8. **Authorized agencies.** Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.
 - 9. **Open Meeting.** If it is reasonably necessary to discuss the information at a meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or tape recording of the meeting.
- d. Persons or entities who have the express written consent of the subject of the data, who may be someone other than yourself.

I informed _____ of the provisions of this advisory on _____, _____.

Investigator

I have read and understand the above advisory.

Date

Signature

Garrity/Tennessen Advisory #3
Compelled Statement
Employee Under Investigation

The City of Brooklyn Center is investigating a complaint of employee misconduct which has been lodged against you. I will be asking you questions specifically, directly, and narrowly relating to your performance of official duties or fitness for office. If you refuse to answer these questions, you may be subject to disciplinary action, including dismissal.

Because the statements which you make in response to my questions are being compelled by threat of disciplinary action, including dismissal, these statements, and any evidence resulting from these statements, cannot be used against you in court in any criminal proceedings.

Current City policy requires that you be advised that any admissions which you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline.

In addition, the Minnesota Government Data Practices Act requires that you be advised of the following:

1. You are being required to provide information for use in investigating your performance of official duties or your fitness for office.
2. Any information that you provide will be used to complete the investigation, to determine whether discipline should be imposed, and to determine the appropriate measure of discipline, if any. The information about yourself will become a permanent part of your personnel file and may be relied upon in future performance evaluations or proceedings in which your employment or performance is at issue.
3. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of the data, which includes you, and may include someone other than yourself.
 - b. Individuals within the City of Brooklyn Center whose work assignments reasonably require access to the information you provide.
 - c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include, but are not limited to, the following:

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1. **Law enforcement agencies.** The information which you provide may be made available to a law enforcement agency or prosecuting authority for purpose of initiating or furthering a criminal investigation. The statements which you are being asked to make, under threat of discipline, as well as evidence obtained as a result of such statements, cannot be used against you in any such criminal proceedings.
 2. **Contracting parties.** If a contract between the City of Brooklyn Center and any person or entity requires access to the information you provide, such information shall be made available to such parties.
 3. **City of Brooklyn Center attorneys.** The information you provide may be shared with attorneys for the City of Brooklyn Center, if such information is related to a matter upon which the City of Brooklyn Center has sought legal advice.
 4. **Documentation supporting disciplinary action.** If disciplinary action, including oral or written reprimand, suspension with or without pay, or termination is imposed as a result of the allegations now made against you, the information which you provide may be made available to the public as documentation supporting final disciplinary action.
 5. **Change in classification.** The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have provided.
 6. **Court order.** The information you provide will be made available to any persons or entities authorized by court order to have access to such information.
 7. **Court/hearing officer/witnesses.** The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.
 8. **Authorized agencies.** Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.
 9. **Open Meeting.** If it is reasonably necessary to discuss the information at a

meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or tape recording of the meeting.

- d. Persons or entities who have the express written consent of the subject of the data, who is you, but may also include someone other than yourself.

I informed _____ of the provisions of this advisory on _____, _____.

Investigator

I have read and understand the above advisory. I understand that I have the right to have a union representative present during this questioning and;

I choose to do so _____ (initial)

I choose not to do so _____ (initial)

Date

Signature

Tennessen Advisory #4
Tennessen Warning/Voluntary Interview
Employee Witness

The City of Brooklyn Center is investigating a complaint of employee misconduct.

You are being asked to provide information for use in the investigation. With respect to information that you provide about yourself, the Minnesota Government Data Practices Act requires:

1. The City will not take any adverse action against you for supplying the information that is requested, unless you provide information implicating that you have violated City rules, regulations, or policies. If you supply information that implicates such violations by you, it could result in a separate investigation and possible discipline against you.
2. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of the data, which includes you, and may include someone other than yourself.
 - b. Individuals within the City of Brooklyn Center whose work assignments reasonably require access to the information you provide.
 - c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include, but are not limited to, the following:
 1. **Law enforcement agencies.** The information which you provide may be made available to a law enforcement agency or prosecuting authority for purpose of initiating or furthering a criminal investigation.
 2. **Contracting parties.** If a contract between the City of Brooklyn Center and any person or entity requires access to the information you provide, such information shall be made available to such parties.
 3. **City of Brooklyn Center attorneys.** The information you provide may be shared with attorneys for the City of Brooklyn Center, if such information is related to a matter upon which the City of Brooklyn Center has sought legal advice.
 4. **Change in classification.** The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have

provided.

- 5. **Court order.** The information you provide will be made available to any persons or entities authorized by court order to have access to such information.
 - 6. **Court/hearing officer/witnesses.** The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.
 - 7. **Authorized agencies.** Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.
 - 8. **Open Meeting.** If it is reasonably necessary to discuss the information at a meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or tape recording of the meeting.
- d. Persons or entities who have the express written consent of the subject of the data, who may be someone other than yourself.

I informed _____ of the provisions of this advisory by reading them to (him) (her) on _____.

Investigator

- OR -

I have read and understand the above advisory.

Date

Signature of Witness

**Garrity/Tennessee Advisory #6
Compelled Statement**

Employee Witness

The City of Brooklyn Center is investigating a complaint of employee misconduct. I will be asking you questions specifically, directly, and narrowly relating to your performance of official duties. If you refuse to answer these questions, you may be subject to disciplinary action, including dismissal.

Because the statements which you make in response to my questions are being compelled by threat of disciplinary action, including dismissal, these statements, and any evidence resulting from these statements, cannot be used against you in court in any criminal proceedings.

Current City of Brooklyn Center policy requires that you be advised that any admissions which you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline.

In addition, the Minnesota Government Data Practices Act requires that you be advised of the following:

1. You are being required to provide information for use in investigating a complaint of employee misconduct.
2. Any information that you provide will be used to complete the investigation, to determine whether discipline should be imposed, and to determine the appropriate measure of discipline, if any. The information about yourself will become a permanent part of your personnel file and may be relied upon in future performance evaluations or proceedings in which your employment or performance is at issue.
3. The information which you provide may be accessible to the following persons or entities:
 - a. The subjects of the data, which includes you, and may include someone other than yourself.
 - b. Individuals within the City of Brooklyn Center whose work assignments reasonably require access to the information you provide.
 - c. Any persons, entities, or agencies authorized by state or federal law to have access to the information. These include, but are not limited to, the following:

-
1. **Law enforcement agencies.** The information which you provide may be made available to a law enforcement agency or prosecuting authority for purpose of initiating or furthering a criminal investigation. The statements which you are being asked to make, under threat of discipline, as well as evidence obtained as a result of such statements, cannot be used against you in any such criminal proceedings.
 2. **Contracting parties.** If a contract between the City of Brooklyn Center and any person or entity requires access to the information you provide, such information shall be made available to such parties.
 3. **City of Brooklyn Center attorneys.** The information you provide may be shared with attorneys for the City of Brooklyn Center, if such information is related to a matter upon which the City of Brooklyn Center has sought legal advice.
 4. **Documentation supporting disciplinary action.** If disciplinary action, including oral or written reprimand, suspension with or without pay, or termination is imposed against you, the information which you provide may be made available to the public as documentation supporting final disciplinary action.
 5. **Change in classification.** The information you provide may be made available to other persons or entities if changes in state or federal law subsequently authorize such access, or if the State Department of Administration approves new or different uses for the information you have provided.
 6. **Court order.** The information you provide will be made available to any persons or entities authorized by court order to have access to such information.
 7. **Court/hearing officer/witnesses.** The information you provide may be submitted as evidence to an administrative body or court in any dispute concerning your employment. The information may also be made available to witnesses, including expert witnesses or consultants, who need to review or evaluate the materials to be able to advise the City or testify in any hearing or arbitration.
 8. **Authorized agencies.** Any state or federal agency authorized by law to have access to your personnel file will be provided access. The agency may not disclose the data except as authorized by state or federal law.

- 9. **Open Meeting.** If it is reasonably necessary to discuss the information at a meeting required by law to be open to the public, the information you provide may become available to the public at the meeting or through the meeting minutes or tape recording of the meeting.

- d. Persons or entities who have the express written consent of the subject of the data, who is you, but may also include someone other than yourself.

I informed _____ of the provisions of this advisory by reading them to (him) (her) on _____, _____.

Investigator

I have read and understand the above advisory.

Date

Signature

CITY OF BROOKLYN CENTER
CHILDREN'S SERVICE WORKER BACKGROUND CHECK

Because the position for which you are applying will require you to provide care, treatment, education, training, instruction, or recreation to children, the City of Brooklyn Center will perform a background check on you under Minnesota Statutes Chapter 299C.62.

The information that you supply will be used to determine your suitability to become or continue as an employee or volunteer with the City of Brooklyn Center. You are not required to provide the requested information; however, failure to provide the requested information will disqualify you from further consideration as an employee or volunteer. The information that you provide will be made available to: City employees whose jobs require access to the information and the Brooklyn Center Police Department. The information may be made available to the public if required by a court order or if in the future disciplinary action is taken to which the information relates.

Have you ever been convicted of any of the following crimes? ~ yes ~ no
If yes, please attach a description of the crime and the particulars of the conviction.

BACKGROUND CHECK CRIMES

Under Minnesota Statutes Ch. 299C.

<ul style="list-style-type: none"> -Murder -Manslaughter -Felony Level Assault -Any Assault Crime Against a Minor - Any of the following Child Abuse Crimes committed against a minor victim, constituting a violation of Minnesota Statutes Sections: 	<ul style="list-style-type: none"> 609.185,(5) Murder in the 1st degree 609.221 Assault in the 1st degree 609.222 Assault in the 2nd degree 609.223 Assault in the 3rd degree 609.224 Assault in the 5th degree 609.2242 Domestic Assault 609.322 Solicitation, inducement, and promotion of prostitution 609.323 Receiving Profit Derived from Prostitution 609.324 Other prohibited acts 609.342 Criminal Sexual Conduct in the 1st degree 609.343 Criminal Sexual Conduct in the 2nd degree 609.344 Criminal Sexual Conduct in the 3rd degree 609.345 Criminal Sexual Conduct in the 4th degree 609.352 Solicitation of Children to Engage in Sexual Conduct 	<ul style="list-style-type: none"> -Kidnapping -Arson -Criminal Sexual Conduct -Prostitution-Related Crimes
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609.377	Malicious Punishment of a Child
609.378	Neglect or Endangerment of a Child
152.021, subd. 1,(4)	Controlled Substance Crime in 1st degree
152.022, subd. 1,(5)	Controlled Substance Crime in 2nd degree
152.022, subd. 1,(6)	Controlled Substance Crime in 2nd degree
152.023, subd. 1,(3)	Controlled Substance Crime in 3rd degree
152.023, subd. 1,(4)	Controlled Substance Crime in 3rd degree
152.023, subd. 2,(4)	Controlled Substance Crime in 3rd degree
152.023, subd. 2,(6)	Controlled Substance Crime in 3rd degree
152.024, subd. 1,(2)	Controlled Substance Crime in 4th degree
152.024, subd. 1,(3)	Controlled Substance Crime in 4th degree
152.024, subd. 1,(4)	Controlled Substance Crime in 4th degree

As the subject of a children's service worker background check, your rights include:

to be informed that the City of Brooklyn Center will request this check for becoming or continuing as an employee or volunteer, and to determine whether you have been convicted of any of the above specified crimes, and

to be informed of Brooklyn Center Police Department=s response and obtain a copy of the report from the City of Brooklyn Center, and

to obtain from the Brooklyn Center Police Department any record that forms the basis for the report, and

to challenge the accuracy and completeness of any information contained in the report, and

whether the City of Brooklyn Center has denied your application because of the response, and not to be required directly or indirectly to pay the cost of the background check.

I further understand and waive my right of privacy in this investigation and release and hold harmless the City of Brooklyn Center from any liability.

Minnesota Statutes and the City of Brooklyn Center Police Department require you to complete the following information in order to complete the background.

**General Authorization and Release
Pursuant to Minnesota Statute, Section 13.05, Subd. 4
Minnesota Government Data Practices Act**

To: City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

FROM: _____

(print legibly)

I hereby authorize the City of Brooklyn Center (the ACity≡), including all of its departments, officers, employees, and authorized representatives, to release private data base about me, as further provided in this release document.

1. The information that the City is authorized to release the following category(ies) of data (in whatever physical form those data exist) that are in the City=s possession or control, of which I am the data subject, and that relate(s) to my current or past employment with the City (an AX≡ indicates my consent to the release of the data):

- _____ Performance evaluations
- _____ Data regarding allegations or charges made against me, whether or not the allegations or charges resulted in discipline.
- _____ Personal information, including: home address and telephone number; age; martial status; names of my spouse and dependents, if any
- _____ Information concerning my health, physical condition, and medical treatments received
- _____ All data of any kind about me which relates to my current or past employment with the City (checking this box indicates I consent to release of all of the above categories of data and any other data about me relating to my employment.)

2. The City may release the above-listed data to the following person(s) or entity(ies), their agents or authorized representatives (the ARecipient≡):

3. The Recipient is authorized to obtain the above-listed data for the following purpose(s):

I understand that the City is not responsible for the use to which the Recipient may put the data, once the City releases the data to the Recipient. The Recipient is authorized to inspect or to obtain copies of the above listed data from the City, subject to the City's copy charge policy.

4. The City is authorized to treat a photocopy of this Authorization and Release Form in the same manner as an original.
5. This authorization is valid for one year from the date indicated below, but I reserve the right to, at any time prior to that expiration, cancel this authorization by providing written notice to the City of that fact.

Signature

Date

City of Brooklyn Center

Personnel Data Release Form

I, _____, authorize the City of Brooklyn Center to
(name of individual authorizing release)

disclose to _____ the following information:
(name of person/organization requesting information)

for the following purpose: _____

I understand that my records are protected under state and/or federal privacy laws and cannot be disclosed without my written consent unless otherwise provided for by state or federal law. I also understand that I may revoke this consent at any time by providing written notice to the City of that fact and that in any event this consent expires as soon as the above-listed information is produced to those listed above.

Executed this _____ day of _____.

signature of individual authorizing release

date

I witnessed _____ sign the above release; and
he/she did so of his/her own free will.

signature of witness

address of witness

City of Brooklyn Center

Release of Information

I, _____,
NAME: (first, full middle, last)

of _____
ADDRESS: (number) (street)

(city) (state) (zip)

am the person named in an application for employment with the City of Brooklyn Center for the position of _____. I am seeking employment with the City and I hereby authorize the City of Brooklyn Center (including its Police Department) to inspect and gather information retained by local, county, state, and federal agencies as necessary to determine whether any convictions of a crime or moving traffic violation, for which a jail sentence of more than 90 days could have been imposed, directly relate to the position of employment sought by me. I realize I am not legally required to sign this form, but if I do not, the City of Brooklyn Center will not be able to determine whether my conviction record is a job-related consideration. I understand that if I am rejected as a candidate for the position cited above on the basis of a criminal conviction, I will be notified in writing and will be given any rights to processing of complaints or grievances afforded by Minnesota Statute Chapter 364. I understand that information prepared by the City of Brooklyn Center (including its Police Department) about me is private data; that is, it may be released only pursuant to the statutory provisions on Minnesota Statute Chapter 13.

signature

date

driver=s license number

date of birth

City of Brooklyn Center

Release To Contact Employers

I, _____,
(NAME: first, middle, last)

of _____
(number) (street)

(city) (state) (zip)

am the person named in an application for employment with the City of Brooklyn Center for the position of _____. I am seeking employment with the City and if I am a finalist for the position, I hereby authorize the City to contact:

My current employer (*circle one*) **YES** **NO**

My previous employer(s) (*circle one*) **YES** **NO**

I understand the purpose of this authorization is to enable the City of Brooklyn Center to verify the accuracy of the information I have provided and to determine my suitability for employment in the position for which I have applied. I realize I am not legally required to complete and sign this form and acknowledge I will not be rejected as a candidate if I do not sign this form. I understand the information about me gathered related to this release is private data; that is, it may be released only pursuant to the statutory provisions of *Minnesota Statute Chapter 13*.

(signature)

(date)

COMMENTS: