

## Personnel

### Public and Private Personnel Data

#### I. Purpose

This policy provides guidance to school district employees as to the data the district collects and maintains regarding its employees, volunteers, independent contractors, and applicants (“personnel”).

#### II. General Statement of Policy

- A. All data on individuals collected, created, received, maintained, or disseminated by 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.
- C. An individual may release private data about themselves through the use of the Consent to Release Data – Request from an Individual form, which is attached to this policy.

#### III. Definitions

For purposes of this policy, the definitions included in this section apply.

- A. “Confidential” data means the data is not public and is not available to the subject of the data.
- B. “Finalist” means an individual who is selected to be interviewed by the school board for a position.
- C. “Personnel data” means government data on individuals maintained because they are or were district employees, applicants for employment, volunteers, or independent contractors. Personnel data include data submitted by an employee to the district as part of an organized self-evaluation effort by the district to request suggestions from all employees on ways to cut costs, make the district more efficient, or to improve district operations.
- D. “Private” data means the data is not public and is available only to the following: the subject of the data, as limited by any applicable state or federal law; individuals within the school district whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by law to gain access to that specific data; and entities or

individuals given access by the express written direction of the data subject.

- E. "Protected health information" means individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium by a health care provider. "Protected health information" excludes individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act, employment records held by the district in its role as employer; and records regarding a person who has been deceased for more than fifty (50) years.
- F. "Public" data means the data is available to anyone who requests it.
- G. "Public officials" means business managers; human resource directors; athletic directors whose duties include at least fifty (50) percent of their time spent in administration, personnel, supervision, and evaluation; chief financial officers; directors; and individuals defined as superintendents and principals.

#### IV. Public Personnel Data

- A. The following information on current and former employees, including volunteers and independent contractors, is public:
  - 1. name;
  - 2. employee identification number;
  - 3. actual gross salary;
  - 4. salary range;
  - 5. terms and conditions of employment relationship;
  - 6. contract fees;
  - 7. actual gross pension;
  - 8. the value and nature of employer-paid fringe benefits;
  - 9. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
  - 10. job title;
  - 11. bargaining unit;
  - 12. job description;
  - 13. education and training background;
  - 14. previous work experience;
  - 15. date of first and last employment;
  - 16. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
  - 17. 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;
  - 18. 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;

19. work location;
  20. work telephone number;
  21. badge number;
  22. work-related continuing education;
  23. honors and awards received; and
  24. payroll time sheets or other comparable data that are used only to account for an 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.
- B. The following information on current and former applicants for employment by the district is public:
1. veteran status;
  2. relevant test scores;
  3. rank on eligible list;
  4. job history;
  5. education and training; and
  6. work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the school board to be finalists for public employment.
- D. Data about applicants for appointment to a school board collected by the district as a result of the applicant's application for employment are private data on individuals except that the following are public:
1. name;
  2. city of residence, except when the appointment has a residency requirement that requires the entire address to be public;
  3. education and training;
  4. employment history;
  5. volunteer work;
  6. awards and honors;
  7. prior government service;
  8. any data required to be provided or that are voluntarily provided in an application for appointment to a multi-member agency; and
  9. veteran status.
- E. Once an individual is appointed to a school board, the following additional items of data are public:
1. residential address;
  2. either a telephone number or electronic mail address where the appointee can be reached, or both at the request of the appointee;

3. first and last dates of service on the school board;
4. the existence and status of any complaints or charges against an appointee; and
5. upon completion of an investigation of a complaint or charge against an appointee, the final investigative report is public, unless access to the data would jeopardize an active investigation.

Notwithstanding paragraph 2., any electronic mail address or telephone number provided by a school board for use by an appointee will be public. An appointee may use an electronic mail address or telephone number provided by the school board as the designated electronic mail address or telephone number at which the appointee can be reached.

- F. Regardless of whether there has been a final disposition, upon completion of an investigation of a complaint or charge against a public official, 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. 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.

#### V. Private Personnel Data

- A. All other personnel data not listed in Section IV are private data and will not be otherwise released unless authorized by law.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected, or maintained by 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 must be disseminated to labor organizations to the extent necessary to conduct elections, investigate and process grievances, and implement the provisions of the Minnesota Public Labor Relations Act (PELRA). Personnel data will be disseminated to labor organizations and the Bureau of Mediation Services ("BMS") to the extent the dissemination is ordered or authorized by the commissioner of the BMS. Employee Social Security numbers are not necessary to implement the provisions of PELRA.

The home addresses, non-employer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and non-members are private data on individuals.

Dissemination of personnel data to a labor organization pursuant to Minnesota law will not subject the district to liability.

- 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 its 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 pre-petition screening team conducting an investigation of the employee under Minnesota law; 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 a crime or alleged crime committed by an employee.
- 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 responsible authority 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 will be available to the employee as may be necessary for the employee to prepare for the proceeding.

- K. The district must report to the Minnesota Professional Educator Licensing and Standards Board ("PELSB") or the Board of School Administrators ("BOSA"), whichever has jurisdiction over the teacher's or administrator's license, as required by Minnesota law, and will, upon written request from the licensing

board having jurisdiction over the license, provide the licensing board with information about the teacher or administrator from the district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota law.

- L. Private personnel data will be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment insurance program.
- M. When a report of alleged maltreatment of a student in an elementary, middle school, or high school is made to the commissioner of the Minnesota Department of Education ("MDE") under Minnesota law, data that are relevant and collected by the school facility about the person alleged to have committed maltreatment must be provided to the commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of providing information to a parent, legal guardian, or custodian of a child in accordance with MDE Screening Guidelines.
- N. The district will release to a requesting school district private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if
  - 1. an investigation conducted by or on behalf of the district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or
  - 2. the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that 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 Minnesota law.

Data that are released under this paragraph must not include data on the student.

- O. Data submitted by an employee to the district as part of an organized self-evaluation effort by the district to request suggestions from all employees on ways to cut costs, make the district more efficient, or improve the district operations is private data. An employee who is identified in a suggestion, however, will have access to all data in the suggestion except the identity of the employee making the suggestion.
- P. Protected health information on employees is private and will not be disclosed except as permitted or required by law.
- Q. Personal home contact information for employees may be used by the district

to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of district operations and may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the district or government 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 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 continuing contract teacher is discharged immediately because the teacher's license has been revoked due to a conviction for child abuse or sexual offenses involving a child as set forth in Minnesota law, or when the commissioner of the MDE makes a final determination of child maltreatment involving a teacher under Minnesota law, the school principal or other person having administrative control of the school will include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minnesota law, and will provide PELSB and the licensing division at MDE with the necessary and relevant information to enable PELSB and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license.

In addition to the background check required under Minnesota law, the school board or other school hiring authority will contact PELSB and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for the district will disseminate to another school district private personnel data on a current or former employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

#### VI. Multiple Classifications

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

#### VII. Change in Classifications

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

## VIII. Responsible Authority

The school 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. § 13.03 (Access to Government Data)  
Minn. Stat. § 13.05 (Duties of Responsible Authority)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Stat. § 13.39 (Civil Investigation)  
Minn. Stat. § 13.41 (Licensing Data)  
Minn. Stat. § 13.43 (Personnel Data)  
Minn. Stat. § 13.601, subd. 3 (Applicants for Appointment)  
Minn. Stat. § 15.0597 (Appointment to Multi-member Agencies)  
Minn. Stat. § 122A.20, subd. 2 (Mandatory Reporting)  
Minn. Stat. § 122A.40, subsd 13 and 16 (Immediate Discharge; Decision)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. § 123B.143, subd. 2 (Disclose Past Buyouts)  
Minn. Stat. Ch. 179 (Minnesota Labor Relations Act)  
Minn. Stat. Ch. 179A (Minnesota Public Labor Relations Act)  
Minn. Stat. § 253B.07 (Judicial Commitment: Preliminary Procedures)  
Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
Minn. Stat. Ch. 268 (Unemployment Insurance) Minn. R. Pt. 1205 (Data Practices)  
P.L. 104-191 (HIPAA)  
45 C.F.R. Parts 160, 162, and 164 (HIPAA Regulations)

### Cross References:

Policy 206 (Public Hearings and Public Participation in School Board Meetings, Data Privacy Considerations)  
Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
Policy 515 (Protection and Privacy of Student Records)

### Policy

adopted: 09/22/08  
revised: 05/28/13  
revised: 06/13/16  
revised: 12/14/20  
revised: 02/12/24

INDEPENDENT SCHOOL DISTRICT NO. 273  
Edina, Minnesota



Appendix I to Policy 406

**Consent to Release Data – Request from an Individual**

*An individual asks the school district to release private data to an outside entity or person. Because the district does not have statutory authority to release the data, it must get the individual’s written informed consent.*

**Explanation of Your Rights**

If you have a question about anything on this form, or would like more explanation, please talk to the director of human resources before you sign it.

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I, \_\_\_\_\_, give my permission for Edina Public Schools  
(name of individual)

to release data about me to \_\_\_\_\_ as described in this  
consent form. (name of other entity/person)

1. The specific data I want Edina Public Schools to release include:

\_\_\_\_\_  
(explanation of data requested)

2. I understand that I have asked **Edina Public Schools** to release the data.

3. I understand that although the data are classified as private at **Edina Public Schools**,  
classification/treatment of the data at \_\_\_\_\_ depends on  
(name of other entity/person)  
laws or policies that apply to \_\_\_\_\_.  
(name of other entity/person)

This authorization to release expires \_\_\_\_\_.  
(date/time of expiration)

Individual data subject’s signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/guardian’s signature [if needed] \_\_\_\_\_ Date \_\_\_\_\_