DATA ACCESS PROCEDURES

For Public and Private Government Data

RIGHTS OF DATA SUBJECTS
PRIVATE AND CONFIDENTIAL DATA
AT THE METROPOLITAN COUNCIL

MINNESOTA GOVERNMENT DATA PRACTICES ACT
MINNESOTA STATUTES CHAPTER 13

These data access procedures must be updated no later than August 1 of each year as necessary to reflect any changes in personnel or circumstances that might affect public access to government data. This document is available free of charge upon request.

METROPOLITAN COUNCIL

August 2013 (Revised September 2015)

COMMON QUESTIONS

Q: How do I file a request?

A: See Section One — Public Access Procedures.

Q: Who do I submit my request to?

A: See Section 6, pages 5.2 through 5.8 for a list of designees who are responsible for receiving and complying with data requests.

Q: Do I have to pay for my data request?

A: You may see or inspect public data free of charge. However, if you want copies of public data, you will be charged a reasonable fee to cover the costs of finding and copying the data.

Q: How is that “reasonable fee” calculated?

A: See pages 1.9 through 1.11.

INTRODUCTION

The Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13) governs how the Metropolitan Council and other government entities in the State of Minnesota collect, create, use, store, maintain, disseminate and provide access to information, documents and data. Section 13.03, subdivision 2(b) of the Act states:

The responsible authority [of each government entity] shall prepare **public access procedures in written form** and update them no later than August 1 of each year as necessary to reflect any changes in personnel or circumstances that might affect public access to government data. The responsible authority shall make copies of the written public access procedures easily available to the public by distributing free copies of the procedures to the public or by posting a copy of the procedures in a conspicuous place within the government entity that is easily accessible to the public.

Section 13.05, subdivision 8 of the Act states:

The responsible authority shall prepare a public document setting forth in writing the rights of the data subject pursuant to section 13.04 and the specific procedures in effect in the government entity for access by the data subject to public or private data on individuals.

This document contains procedures you must follow if you want to see (inspect) or obtain copies of government data maintained by the Metropolitan Council. These data access procedures and the other sections of this document are required by the Minnesota Government Data Practices Act. The actual text of the Act is available online at: *Minnesota Office of the Revisor of Statutes website*

A free copy of this document is available upon request. Upon request, this document will be made available in alternative formats. To request a paper copy of these data access procedures, you should contact:

Metropolitan Council Data Center/Robert Street Library

390 Robert Street North

Saint Paul Minnesota 55101-1805

(651) 602-1140 or TTY (651) 291-0904

Email address for Data Center

This document also is available online at: *Metropolitan Council website*. Click on “Terms and Conditions” at the bottom of the Web Page.

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SECTION ONE: Public Access Procedures. Section One of this document contains the public access procedures you must follow if you want to see or have copies of public government data maintained by the Metropolitan Council. Requests for public data must be made in writing and must be submitted to the appropriate Designee. A data request form is included at the end of Section One.

SECTION TWO: Access Procedures for Data Subjects. Section Two contains procedures you must follow if the Metropolitan Council maintains public or private data on you and you want to see or have copies of that data. Requests for public or private data about individuals must be made in writing and must be submitted to the appropriate Designee.

SECTION THREE: Rights of Data Subjects. Section Three contains the statement of data subjects' rights required by section 13.04 of the Minnesota Government Data Practices Act, including rights of data subjects who are minors.

SECTION FOUR: Processes and Procedures Relating to Data Protection. Section Four contains information about how data is protected at the Council.

SECTION FIVE: Access Procedures for Procurement Data. Section Five tells you what Invitation for Bid (IFB) and Request for Proposals (RFP) data you may see (inspect) or have copied.

SECTION SIX: Responsible Authority, Data Practices Compliance Official and Designees. Section Six lists the names, addresses and other contact information for the Metropolitan Council's Responsible Authority, Data Practices Compliance Official and Designees. Designees are Council employees responsible for receiving and responding to requests for data that are collected, stored or maintained within their respective departments.

SECTION SEVEN: Records, Files or Processes Relating to Private or Confidential Data. Section Seven describes records, files or processes relating to private or confidential data on individuals maintained by the Metropolitan Council. Forms used to collect private or confidential data are not included in the online version of this document, but are included in the printed version of this document at the end of Section Six.

SECTION ONE

Public Access Procedures

These public access procedures tell you how you can request to see or obtain copies of public "data" that are collected, created, used, stored, or maintained by the Metropolitan Council ("Council"). Additional procedures to see or obtain copies of public or private data on individuals are contained in Section Two of this document.

- **All government data are presumed "public" and available to anyone, unless a state or federal law does not allow the data to be disclosed.**

The Minnesota Government Data Practices Act states that all government data "shall be public" unless the data are classified by state or federal law as nonpublic or protected nonpublic, or are classified as private or confidential data about individuals. "Public data" are available to anyone. "Nonpublic data" and "protected nonpublic data" are not available to anyone. "Private data" are available only to the person who is the subject of the data. "Confidential data" are not available to anyone, including the person who is the subject of the confidential data. These terms are defined in section 13.02 of the Minnesota Government Data Practices Act.

Federal law prohibits the Council from disclosing some types of information and data that the Council collects, creates, uses, stores or maintains.

- **You must submit your data request to the appropriate Designee.**

Data requests must be submitted to the appropriate "Designee." The Regional Administrator is the Council's designated Responsible Authority and is responsible for the collection, use and dissemination of data by the Council. Designees are employees within each department who are in charge of individual files or systems containing data. Designees are responsible for receiving and complying with requests for government data relating to their subject areas. The names and contact information for the Responsible Authority and the Designees are listed in Section Four of this document.

When you request data or information from the Council, you should state that you are making a data request under the Minnesota Government Data Practices Act. Broadly framed questions and requests that the Council prepare lists or create documents it does not already have are not proper requests for "data" under the Act.

NOTE: The federal Freedom of Information Act ("FOIA") applies to departments and agencies of the federal government. The FOIA does not apply to the Metropolitan Council because the Council is not a department or agency of the federal government.

- **You must submit your data request in writing or by Email, or you must complete a data request form.**

Unless your data request is very simple and the data can be located and provided easily and immediately, you must make your request in writing (by letter or facsimile) or by Email. Written and Email requests help avoid confusion and misunderstandings about what data you are requesting and make it easier to locate and provide data in a timely manner. If you request data in person, you must fill out a data request form. A copy of the form is included at the end of this Section One.

Describe as clearly as you can the data you want. If your data request is not clear, or if your request is unusually broad or covers a long time period, you may be asked to provide more detail or clarify your request so the Council can respond to your request in a timely manner.

- **You are not required to identify yourself or state the reason for your data request if you want public data.**

If you request public data, you are not required to identify yourself or tell why you are asking for public data. However, you may be asked to provide some identifying or clarifying information if that information is necessary to help locate and provide access to the data you request.

- **You may see or inspect public data free of charge.**

You may see or inspect all public data free of charge. You may ask to see: specific types of data or data elements; specific documents or portions of documents; or entire records, files or data bases. Upon request, the Council will inform you of the data's meaning. If the data you request are computerized data, the Council may let you view that data on a computer screen, or it will print a copy of that computerized data, so you can inspect the data at no charge. If the data you request are available in electronic format on a remote basis to the public you may inspect that data on your own computer and print or download the data using your own computer at no cost. However, you may be charged a reasonable fee for remote access if the data or access is enhanced at your request.

- **You may see or inspect public data as soon as it is reasonably possible for the Council to gather the data.**

The Council will let you know as soon as it reasonably can if it has the data you request. If you ask for public data, the Council will let you see or have copies of the data right away if it reasonably can make the data immediately available. The Council's ability to respond to your request may depend on whether appropriate staff is available to respond to your request, the type and quantity of data you request, how much copying is involved and whether your request includes nonpublic data that must be separated from public data. If the Council needs more time to identify, find, or copy the data you request, the Council will let you know and will tell you when it will be able to provide access or give you the data.

Sometimes public data contains copyrighted material that the Council may not be able to copy without the consent of the person or organization that holds the copyright. However, you still may inspect public data that are copyrighted.

- **You may inspect data at the Council's offices during regular business hours.**

After the data you request have been identified and gathered, the Council will make the data available for your inspection during its normal business hours. The normal business hours of the Council's downtown Saint Paul offices are: Monday through Friday, 8:00 a.m. to 5:00 p.m. Council offices are not open on Saturdays, Sundays, or holidays. The Designee responding to your request will tell you the Council office location to which you must go to inspect the requested data.

Because the Council is required by law to preserve public records and documents, a Council employee may be with you when you inspect the data.

- **If you want copies of public data, you will be charged a reasonable fee to cover the costs of finding and copying the data.**

If you want copies of public data or want the data transmitted electronically, you will be charged a fee to cover the actual costs of searching for and retrieving the data, including the cost of employee time, and the costs for making, certifying, compiling, and electronically transmitting copies of the data. Postage and telephone charges for facsimile copies also will be charged to you, unless those charges are insignificant. However, if you request 100 or fewer pages of black and white, letter- or legal-size paper, the Council cannot charge you the actual costs. Instead, you will be charged 25 cents for each page copied. You will not be charged a fee for separating public data from data that are not public. If your data request takes an employee less than one hour to search for, retrieve, and make copies of the data; you will not be charged for the cost of employee time. If an employee spends more than an hour responding to your request, you will be charged for the employee's time, including the initial hour.

If you ask for copies of public data that are maintained in a computer storage medium, the Council will provide copies of the data in that medium, in electronic form, if the Council reasonably can make copies or have copies made. You must pay the actual costs of providing the copy in that medium; however, the Council will not charge any fee for providing copies in this medium via the internet unless an employee spends more than one hour responding to this data request.

Because the Council is required by law to preserve public records and documents, the Council will make any copies you request. You may not take Council documents or data out of the Council's offices to make your own copies. You must make prior arrangements with the Designee if you intend to use your own scanner, portable copy machine, or camera to make copies of requested data. However, requests to use your own scanner, copy machine, or camera cannot always be accommodated.

If the cost of providing copies exceeds $50.00, you must pay one-half of the fee in advance.

- **Fee Waivers and Reduced Fee Charges.**

The Council may waive or charge reduced fees if the cost of providing copies does not exceed $250.00 and the data are requested from: legislators and legislative staff; elected or appointed representatives and public officials of the State of Minnesota (local, county, state or federal); educational or scientific institutions who request the data for scholarly or scientific research; representatives of news media; and individuals who cannot afford to pay copying costs. Copying fees also may be waived or reduced if the Council reasonably determines disclosure of the data is in the public interest because it is likely to contribute significantly to the public understanding of Council activities or operations.

- **Copies of data that have "commercial value" require payment of additional fees.**

If you request copies of public data that have commercial value and were developed with a significant expenditure of public funds by the Council, you will be charged a reasonable fee in addition to the fee for copying costs. The fee will be based on the amount it cost the Council to develop the commercially valuable data. The data request form shows how fees are assessed and calculated. If the cost of providing copies exceeds $50.00, you must pay one-half of the fee in advance.

- **You may make a "standing request" to see or receive copies of data on an ongoing basis, but standing requests cannot last indefinitely.**

If you want to see or receive copies of data on an ongoing basis, you must make a written "standing request." Standing requests automatically expire after six months. The Council does <u>not</u> send out notices when standing requests expire. You therefore will need to inform the Council in writing if you want to verify and continue your standing request for an additional six-month period. The form for making a standing request is included at the end of this Section One.

- **If the Council has the data you request but cannot give you the data, you will be told why you cannot see nor have copies of the data.**

If the Council determines the data (or portions of the data) you request are not public data and cannot be shown to you or copied, you will be orally informed of that determination at the time you make your request, or you will be informed in writing as soon as it is reasonably possible to do so. The Council will tell you the specific statutory section, temporary data classification or federal law upon which the Council's determination is based. Upon request, the Council will certify in writing that your request was denied and will state the legal reasons why the request was denied.

- **The Council is not required to give you data it does not maintain. It also is not required to create data it does not have or give you data in the form you want.**

The Council is not required to collect data it does not have or create data for you in order to respond to your request. If the Council has the data you request, but does not keep the data in the form you want, the Council may not be able to give you the data in the form you want. If the Council cannot put the data in the form you want, you may have the data in its existing format. If the Council can put the data in the form you want and if it will not take an unreasonable amount of time or resources to do so, the Council will let you know how long it will take to provide the data in your form and estimate how much it will cost you to have the data put in that form. If the cost of providing data in your format will exceed $50.00, you must pay one-half of the cost in advance.

- **You may request the Council to prepare "summary data" derived from private or confidential data, but you must pay the costs of preparing the summary data.**

Summary data are statistical records and reports that summarize private or confidential data on individuals but do not contain information that uniquely identifies individuals. Summary data are public data. The Council will prepare summary data upon request if your request is in writing and if you pay the cost of preparing the summary data. Upon request, the Council will estimate the cost of preparing summary data. If the cost of preparing summary data will exceed $50.00, you must pay one-half of the cost in advance.

The preparation of summary data may be delegated to a person outside the Council if: the person's purpose is stated in writing; the person agrees not to disclose the private or confidential data; and the Council reasonably determines that the access will not compromise private or confidential data.

- **Questions, concerns or problems about data requests should be submitted to the Council's Data Practices Compliance Official.**

Requests <u>for</u> data should be submitted to the appropriate Designee. However, if you have questions or concerns <u>about</u> your data request or problems with <u>how</u> the Council is responding to your request, you should contact the Council's Data Practices Compliance Official. The Data Practices Compliance Official is listed in Section Six of this document.

- **Data practices questions and concerns also can be submitted to the Minnesota Department of Administration.**

Upon request, the Commissioner of the Minnesota Department of Administration gives written opinions on questions relating to public access to government data, rights of individuals who are the subject of data, and classifications of data under the Minnesota Government Data Practices Act or other Minnesota statutes.

The Information Policy Analysis Division of the Minnesota Department of Administration provides technical assistance and answers questions about the Minnesota Government Data Practices Act, the Minnesota Open Meeting Law, and other information policy laws.

The Information Policy Analysis Division can be contacted at:

Information Policy Analysis Division

201 Administration Building

50 Sherburne Avenue

Saint Paul, Minnesota 55155

Phone: (651) 296-6733 or 1-800-657-3721 / Fax: (651) 205-4219

Email address for Information Policy Analysis Division

DATA REQUEST FORM — METROPOLITAN COUNCIL

Date of Request:

Describe or identify in reasonable detail the public data or private data about you that you want to see (inspect) or have copied. If your request is unusually broad or covers a long time period, it may be difficult to locate and provide the data in a timely manner:

_____

_____

_____

_____

You may inspect the data free of charge. If you want copies of the data you requested, the fee for making copies is 10¢ per page, plus the actual cost of making the copies. However, if you request 100 or fewer pages, the fee is 25¢ per page. If the cost of providing copies exceeds $50.00, you must pay one-half of the fee in advance.

Check the appropriate box:

☐ I only want to inspect or see the data at this time.

☐ I want copies of the data and will pay a fee for the copies.

☐ Check here if you are making a "standing request" to see or have copies of the data described above. The Metropolitan Council will honor your standing request for 6 months from the date of your request, but will not notify you when your standing request expires. You therefore will need to inform the Council in writing if you want to verify and continue your standing request for an additional 6-month period.

Unless you are asking for private data about yourself, or are authorized to obtain private data about someone else, you are not required to identify yourself or state the reason for your request. However, providing the following information may help the Metropolitan Council respond to your request:

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

This form may be filled out by the Designee for administrative and request-tracking purposes.

FOR COUNCIL USE ONLY	
Responsible Designee:	Department:
Date data request was received by Designee:	
Date requested data was provided or access was denied:	
Fee for providing copies (if applicable):	

Fees for Copies of Government Data

The fee(s) for copies of government data requested from the Metropolitan Council will be calculated according to one of the following methods, or as otherwise permitted by Minnesota Statutes section 13.03 or other law:

Requests for 100 or Fewer Pages. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, the Metropolitan Council will charge 25¢ per page (50¢ for two-sided copies). The costs of searching for and retrieving the data, as well as the costs of employee time for making, certifying, compiling and electronically transmitting the copies of the data will not be charged. This fee calculation method does not authorized or permit requesters to divide single requests into multiple requests for copies of fewer than 100 pages to avoid fees based on the actual costs of providing copies.

Requests for More than 100 Pages. In all other cases, including requests for data via facsimile or other electronic methods, the Metropolitan Council will charge the requester a fee to cover the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, and electronically transmitting copies of the data or the data themselves. Designees will complete the attached fee calculation sheet to show the actual costs to search for, retrieve, and copy the requested data. The following actual costs may be included in the fee calculation:

Staff time required to: search for and retrieve documents or data; sort and label documents (if necessary to identify the data to be copied); remove staples or paper clips; and copy documents or data. The fee for labor costs (wages/salary plus 38% to cover benefits, 70% for Metro Transit employees) will not exceed those of the lowest-paid employee who could complete the task(s) performed. Note: If you are requesting copies of public or private data about yourself (including private personnel data maintained by the Council on its employees), the fee will not include the cost of staff time for searching for and retrieving those data.

Materials (paper, copier ink, staples, magnetic tapes, video/audio tapes, compact discs, etc.).

Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data.

Mailing costs that are more than minimal.

Costs directly involved in transporting data to the appropriate facility when necessary to provide copies (e.g., when the Metropolitan Council cannot provide copying services for photographs, oversized documents, videos, etc.).

Excluded Costs. The following staff time will not be included in the fee calculation(s): time necessary to separate public data from not public data, or to explain the content and meaning of the data; returning documents to storage or files; preparing data for mailing. No fees to cover search and retrieval costs will be charged when data

are only inspected and no copies are requested. No fee will be charged if the routine costs of processing and collecting the fee are likely to equal or exceed the amount of the fee.

Some individuals or organizations will not be charged copying fees under certain circumstances. Those circumstances are described in Section One of the Data Access Procedures.

FEE CALCULATION SHEET

METROPOLITAN COUNCIL
Government Data Practices Act

Requester:

Name:	Last:	First:	M.I. (optional):	Date:
Information requested:				Phone:
				Email:

Department use only — Please do not fill below this line

Preparation Charges					Estimated	Actual
A.	Labor:	Rate per hour*	x hours	=		
		Rate per hour*	x hours	=		
B.	Photocopies and pdf's:	Rate per page/image	x pages/images	=		
C.	Mailing:			=		
D.	Printing:			=		
E.	Other: Include computer time, programming time, terminal access, microfilming, etc.					
	1.					
	2.					
	3.					
	4.					
*1.38 x hourly rate (includes benefits) 1.7x hourly rate for Metro Transit		Total charges		=		
		Amount prepaid		-		
		Balance due		=		
Department/division:				Handled by:		
Request:	☐ Approved	☐ Approved in part		Authorized signature:		

SECTION TWO

Access Procedures for Data Subjects

These data access procedures tell you how you can request to see (inspect) or obtain copies of public and private data about you that are collected, created, used, stored, or maintained by the Metropolitan Council. These procedures are in addition to the data access procedures contained in Section One of this document.

- **You may ask if the Council stores public, private or confidential data about you and you will be told the meaning and content of public or private data.**

Upon request to the Responsible Authority, the Council will tell you if it has data about you and whether the data are public, private, or confidential. Upon further request, the Council will show you public and private data about you and, if you want, will inform you of the content and meaning of that data.

After you have seen private data and have been informed of its meaning, the Council is not required to disclose that data for 6 months, unless there is a dispute over the data or if additional data about you have been collected or created.

- **If the Council has "confidential" data about you, the law does not permit you to see or have copies of that data.**

The Council cannot show or give you copies of data about you that are classified as "confidential" data because the Minnesota Government Data Practices Act does not permit you or the general public to see or have copies of "confidential" data.

- **You must submit your data request to the appropriate Designee.**

Requests for public or private data about you must be submitted to the appropriate Designees who are listed in Section Six of this document. Procedures for submitting a data request are contained in Section One.

- **You must submit your data request in writing or by Email, or you must complete a data request form.**

Unless your data request is very simple and the data can be located and provided easily and immediately, you must make your data request in writing (by letter or facsimile), or by Email. If you request data in person, you must fill out a data request form. A copy of the request form is included at the end of Section One. Procedures for submitting a data request are contained in Section One.

- **You will be asked to identify yourself if you request private data about yourself or if you ask for private data about another person.**

If you request private data about yourself (or if you are authorized to receive private data about another person), you will be required to identify yourself to protect against

unauthorized disclosure. You may be required to appear at the Council's offices to see or obtain the requested private data or, in lieu of a personal appearance, you may be required to provide a notarized signature. You also may be asked to produce a driver's license or some other form of identification.

If you ask for private data about another person, you must have the informed consent of that person, or you must otherwise show you are permitted to see private data about the other person. Section Three of this document describes the requirements for an "informed" consent.

- **You may see and have copies of public or private data about you immediately, if it is possible for the Council to respond immediately.**

If you ask about public, private or confidential data about you, the Council will respond immediately if it can. If the Council cannot immediately respond to your request, it will respond within 10 days of the date of your request, excluding Saturdays, Sundays, and holidays.

- **If the Council has the data you request but cannot give you the data, you will be told why you cannot see the data or why you cannot have copies of the data.**

If the Council determines the data you request are confidential or not public data and cannot be shown to you or copied, the Council will orally inform you of that determination at the time you make your request or it will inform you in writing as soon as it is reasonably possible to do so. The Council will tell you the specific statutory section, temporary data classification or federal law upon which the Council's determination is based. Upon request, the Council will certify in writing that your request was denied and cite the legal reasons why the request was denied.

- **You may see public and private data about you free of charge, but if you want copies of that data you will be charged a reasonable fee to cover copying costs.**

You will not be assessed any charge or be required to pay any fees to see public and private data about you. However, if you request copies of public or private data about you, you must pay the actual costs of making, certifying and compiling the copies. You will not be charged for the cost of employee time for locating and retrieving data about you. If the cost of providing copies exceeds $50.00, you must pay one-half of the fee in advance.

SECTION THREE

Rights of Data Subjects

Section 13.04 of the Minnesota Government Data Practices Act gives certain rights to "individuals" who are the subject of government data. The Act defines an individual as a living human being. This Section Three summarizes the rights of individuals who are the subject of public or private data about themselves. Section One and Section Two of this document also identify some rights of data subjects.

- **You have the right to know if the Council stores public, private, or confidential data about you.**

Upon request to the Responsible Authority, you will be told if the Council stores data about you and whether those data are public, private, or confidential.

- **You have the right to ask for and see all public and private data about you that may be kept by the Council.**

If you request public or private data about yourself, the Council will respond immediately if it can. If the Council cannot immediately comply with your request, it will respond within 10 days of the date of your request, excluding Saturdays, Sundays, and holidays.

After you have seen private data, the Council does not need to let you see the data again for 6 months, unless the Council collects or creates more information about you before 6 months have passed, or if you are disputing the accuracy or completeness of the data about you.

- **You have the right to see without charge all public and private data about you, and you will be informed of the meaning of that data.**

If the Council has data about you that is classified as public or private data, you may see that data. The Council must show you that data without charge and, if you want, will inform you of the content and meaning of that data. Because the Council is required to protect private data about you, a Council employee may be with you when you inspect the data.

- **You do not have the right to see confidential data about you.**

"Confidential data" are data about individuals that are classified as "not public data" by state or federal law. If the Council has confidential data about you, the law does not permit you or any member of the public to see or have copies of that data. Confidential data may be seen and used by Council employees whose work assignments reasonably require access and by entities or agencies authorized by law to have access to that data.

- **You have the right to ask for copies of public or private data about you, but you must pay the costs of making, certifying and compiling the copies**.

Upon request, the Council must provide copies of public or private data about you. However, you must pay the actual costs of making, certifying and compiling the copies. If the cost of providing copies exceeds $50.00, you must pay one-half of the fee in advance.

- **The law governs how the Council collects, maintains, uses and discloses private data about you.**

The Council can collect, keep, use and disclose private and confidential data about you only when the data are needed for the administration and management of authorized programs or a state or federal law allows or requires the Council to collect, keep, use, or disclose the data. Private data about you collected or maintained by the Council will be made available to Council employees and contractors whose work assignments and responsibilities reasonably require access, and the data will be made available to other individuals or agencies that are authorized by law to have access.

- **You must be given a "Tennessen warning" if you are asked to provide private or confidential data about yourself.**

If you are asked to provide private or confidential data about yourself, the Council must give you a notice called a "Tennessen warning." The notice must tell you:

1. Why the Council is asking for private or confidential data about you and how the Council intends to use that data;

2. Whether you may refuse to provide the requested data or are legally required to provide the data;

3. Any known consequences that may occur if you refuse to supply the data or any known consequences that may occur if you provide the requested data; and

4. The identity of other persons or agencies authorized by state or federal law to have the use the private or confidential data about you.

If you are given a Tennessen warning but do not understand the notice, the Council will explain the notice to you.

When possible, you will be given the notice in writing and will be asked to read and sign the notice. You may have a copy of the written notice you sign. If the Council asks you for private or confidential data over the telephone, you will be given a notice at that time and will be sent a written notice that you should sign and return to the Council. You are not required to sign the notice.

The Council is required to give you a Tennessen warning only when you are asked to provide private or confidential data about yourself. The Council is <u>not</u> required to give

you a notice when:

1. You give the Council information it did not ask you to provide;

2. The information you are asked to provide is about someone else;

3. The information you are asked to provide is public data about you; or

4. The information is collected for investigation purposes by a Metro Transit police officer or some other law enforcement officer.

- **The Tennessen warning limits what the Council can do with private or confidential data you provide.**

Usually, after a person is given a Tennessen warning and provides data, that data cannot be used for any purposes that are not described in the notice at the time the data are collected. There are some exceptions to this rule. These exceptions are:

1. If a federal, state or local law is passed after you were given a Tennessen warning and if that law allows the Council to use or release the data in a way you were not told about in the notice, the Council may use or release the information in order to comply with the new law.

2. Sometimes, after private or confidential data are collected for one purpose, the data should be used or released for a different purpose. If there is no law that says the data can be used for the new purpose, the Council will need your permission to use or release the information in the new way. Sometimes it is not reasonably possible to get permission. In these types of cases, the Commissioner of the Minnesota Department of Administration may be asked to approve the new use of the information. The Council will use or release the data only in the way approved by the Commissioner as necessary to carry out a function assigned by law.

3. If private or confidential data about you were collected before August 1, 1975, the Council will use, keep and disclose the data for the reasons stated at the time the data were collected. The Council may, however, ask the Commissioner of Administration for permission to use, keep or disclose the data for other purposes to protect public health, safety or welfare.

4. If a court orders the release of private or confidential data about you, the Council will release that data as required by the court order.

5. If you give your “informed consent” to a release or new use of private data.

- **The Council must have your written permission to release private data about you or to use private data about you in a new way.**

If the Council must use or disclose private data about you in a way that was not described to you in the Tennessen warning, you will be asked for your “informed

consent" so the Council can release or use the data in the new way. The consent must be in writing, so you will be asked to read and sign a consent form. Your consent must:

1. Be in plain language;
2. be dated;
3. specifically state that you are authorizing the Council to disclose data about you;
4. specifically identify the data you are authorizing the Council to disclose or use in a new way;
5. specifically identify the persons or entities to whom you are authorizing data to be disclosed;
6. specifically identify the purpose or purposes for which the data may be used by the Council or other authorized persons or entities, both at the time of the disclosure and at any time in the future, and the consequences of giving an informed consent; and
7. specifically state an expiration date which should be within a reasonable period of time, but not more than one year.

Your consent is voluntary. You do not have to let the Council release or use the data in the new way. Before you decide, you can look at the data. If you have questions about consenting to disclosure or a new use of any private data about you, the Council will answer your questions, let you see or have copies of the data, and explain the informed consent requirements.

If you give your consent, the Council can release the data for the length of time that is stated on your consent form. You may stop or revoke your consent any time before that time is over. If you want to stop your consent, you must write to the Responsible Authority and clearly say that you want to stop all or part of your consent. The name and address of the Responsible Authority are listed in Section Six of this document. Stopping your consent will not affect data that already have been released because you gave your consent to that release.

If <u>you</u> ask the Council to release private data about you to someone else, the Council will ask for your informed consent. If you give your informed consent, the data will be released in the way you request. If <u>someone else</u> asks for private data about you and the law does not permit the release of the data to that person, the Council will ask that person to provide a consent release from you that authorizes the Council to release private data about you to that person. If you do not give your informed consent, the Council will not release the data to that person.

If the Council has public data about you, the Council will not ask for your informed consent to release that data about you because public data is available to anyone who asks for it.

- **If you ask for data and the Council denies your request, you have the right to**

know why you cannot see nor have copies of the data.

If the Council does not let you see or have data and denies your data request, the Council must tell you the specific statutory section, temporary data classification or federal law upon which the Council's determination is based. You may ask the Council to certify in writing that your request was denied and have the Council cite the legal reasons why the request was denied.

- **You have the right to ask for documentation to explain fees for data that have commercial value.**

The Council may charge a reasonable fee in addition to the costs of making, certifying, and compiling copies if you want copies of public data that have commercial value. The fee must relate to the Council's actual development costs. Upon request, the Council must provide sufficient documentation to explain and justify the fee it charges.

- **You have the right to challenge the accuracy or completeness of public or private data about you.**

If you believe public or private data about you are inaccurate or incomplete, you may file a data challenge with the Council. You may challenge only accuracy and completeness of the data.

Data are "accurate" if they are reasonably correct and do not contain any errors. Data are "complete" if they reasonably reflect the history of your contacts with the Council in a complete way. For example, data may not be accurate or may not be complete: if a wrong word, name, or phrase is used; if data give a false impression about you; if certain information is missing from the record; or if certain information should not be in the record.

To make a data challenge, you must submit a written statement of disagreement to the Responsible Authority whose name and contact information are listed in Section Five of this document. Your statement of disagreement must describe the nature of your disagreement in reasonable detail.

- **Describe very clearly what data you are challenging. Be very specific. Clearly state whether you are challenging a specific word, sentence, date, time, or name.**

- **State very clearly why or how the data are inaccurate or incomplete. Be very specific and write down as many reasons as you can.**

- **State very clearly what you think should be done to make the data accurate or complete. For example, you might ask the Council to add information, change some data it has, or remove information from its records.**

Within 30 days after receiving your written statement of disagreement the Council must either: (1) correct the inaccurate or incomplete data and attempt to notify past recipients of any inaccurate or incomplete data, including any recipients you might identify; or

(2) notify you that the Council believes the data are correct. The Council will not disclose data about you that are in dispute unless your statement of disagreement is included with the disclosed data.

If the Council agrees with all or part of your challenge, the Council will complete, correct or (if necessary) destroy the inaccurate or incomplete data. The Council also will try to notify anyone who received the inaccurate or incomplete data.

If the Council does not agree with all or part of your challenge, the Council will tell you it believes the data you are challenging are accurate or complete.

- **You can appeal the Council's decision about your data challenge.**

If you disagree with the Council's decision about your challenge, you may appeal under the provisions of Minnesota's Administrative Procedure Act (Minnesota Statutes Chapter 14) relating to contested cases. The statutory appeal procedures are described in Minnesota Statutes section 13.04, subdivision 4(a). The administrative rules for appeals are contained in Minnesota Rules part 1205.1600. The time period within which to appeal a Council decision is limited. You should consult Minnesota Rules part 1205.1600, subpart 2.

If you appeal a Council decision, you should submit a copy of your statement of disagreement to the Commissioner of the Minnesota Department of Administration. Upon receipt of an appeal, the Commissioner will try to resolve the dispute before issuing an order and notice of a contested case hearing. Questions about the appeal process should be submitted to the Information Policy Analysis Division of the Minnesota Department of Administration at the address listed in Section One of this document.

- **Minors have rights as individuals.**

If you are not yet eighteen years of age, you have the rights of an "individual" if private data about you are collected, used, or maintained by the Council. Access procedures for private and public data on individuals are contained in Section Two of this document.

Section One of this document contains public access procedures.

Your parents (or your guardian) usually have the same rights as you do with regard to government data about you. However, the Council may deny your parents access to private data about you if you submit a written request asking the Council to deny access. You must state the reasons why you want access denied and you must sign the written request. If the Council is permitted by law to deny access and if it determines it is in your best interest to deny access to your parents, the Council will deny your parents access to private data about you.

When considering your request to deny access, the Council may consider the following factors: whether a law requires the Council to disclose data about you to your parents; whether you have a good reason for asking the Council to deny access; whether you may be harmed if the Council discloses data about you to your parents; whether you understand the consequences asking the Council to deny access to data about you;

and whether it is in your best interests to deny access to your parents. Procedures for submitting a data request are contained in Section One and Section Two of this document.

- **Parents and guardians may have access to private data about minors.**

Unless the Council knows otherwise, it will presume parents or guardians can see and have copies of private data about minors that may have been collected, created, or maintained by the Council. Usually, parents or guardians of minors have the right to give their consent to release data about minors, and can challenge the accuracy and completeness of the data about minors. Legal guardians who want to exercise an individual's rights under the Minnesota Government Data Practices Act must show proof of their appointment as a legal guardian.

In some cases, parents or guardians do not have these rights. For example, parents or guardians cannot exercise the rights the law gives minors if there is a court order that takes these rights away from them. The court order might be about a divorce, separation, custody, or some other matter, or it might take away parental rights. Sometimes state or federal laws do not allow parents to see information about minors.

- **Minnesota Law requires that you must be notified by the agency of a breach in the security of your data.**

State statute (Minnesota Statutes 12 section 13.055) states that "a government entity that collects, creates, receives, maintains, or disseminates private or confidential data on individuals must disclose any breach of the security of the data following discovery or notification of the breach." Written notification of any breach will be provided to you upon the discovery of a breach. You will first receive this notification via US mail, followed by electronic notice. This notification will inform how you may obtain access to a breach report, as well as how to request delivery of the report by mail or Email. A notification may be delayed if a law enforcement agency determines that the notification will impede an active law enforcement investigation.

A breach of the security of data is defined as an unauthorized acquisition of data maintained by a government entity that compromises the security and classification of the data. This includes data maintained by a person under contract with the Council that provides for the acquisition of or access to the data by an employee, contractor, or agent of the Council. Unauthorized acquisition means that the data has been obtained, accessed or viewed without the informed consent of the individual data subject.

If you have questions about your rights as the subject of data on individuals, please contact the Council's Data Practices Compliance Official whose name and contact information are listed in Section Six of this document.

SECTION FOUR

Processes and Procedures Relating to Data Protection

The Council will establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected. Data which are not public will only be accessible to persons whose work assignment reasonably requires access to the data. All data being disposed of will be destroyed in a secore manner, preventing contents from being determined.

At least annually, the Council will conduct a comprehensive security assessment of any stored or maintained personal information.

SECTION FIVE

Access Procedures for Procurement Data

These data access procedures tell you what Invitation for Bids (IFB)[1] and Request for Proposals (RFP) data you may see (inspect) or have copies. The classification and disclosure of IFB and RFP procurement data are governed by Minnesota Statutes section 13.591. The disclosure requirements for IFB and RFP procurement data are different.

- **When bids are opened, only the names of bidders and the dollar amounts specified in the bid responses become public. All other data in bidders' responses are private or nonpublic data until "completion of the selection process."**

"Completion of the selection process" means the Council has "completed its evaluation and has ranked the responses." Council Contracts & Procurement staff open and preliminarily "rank" the bids, but the Council's bid evaluation, ranking and selection process is not completed until the governing body of the Council (or the awarding authority) has: (a) had an opportunity to consider the evaluation data and accepted the bid of the lowest responsible bidder; or (b) rejected all bids.[2] When the bid of the lowest responsible bidder is accepted, all remaining data submitted by all bidders are public except trade secret data.

If the Council accepts the bid of the lowest responsible bidder but does not enter into a contract with that bidder, all data that became public when the governing body of the Council (or the awarding authority) accepted the bid of the lowest responsible bidder remain public except trade secret data.

- **When the Council rejects all bids, all information in the bid responses (except for bidders' names and bid amounts) remains private or nonpublic until the Council resolicits bids or abandons the purchase.**

If the Council rejects all bids before the selection process is completed, all data other than the names of the bidders and the bid amounts remain private or nonpublic until: (a) a resolicitation of bids results in completion of the selection process; or (b) the Council abandons the purchase. If the Council has not abandoned the purchase but does not resolicit bids within one year of the bid opening date, the remaining data become public

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[1] The Council's bid solicitation process frequently is referred to as an Invitation for Bids (IFB). Section 13.591 of the Minnesota Government Data Practices Act uses the term Request for Bids (RFB). The two are synonymous.

[2] Minn. Dep't of Admin., Adv. Op. No. 08-021 (Aug. 8, 2008) (when bids were opened by city staff the names and bid amounts were public; all remaining data submitted by bidders became public when the city council made its final decision as to which bidder would be awarded the contract).

except trade secret information.

When bids are rejected after the selection process is completed, data that became public when the selection process was completed remain public.

- **The names of RFP responders are public when RFP responses are opened. All other data in RFP responses are private or nonpublic until "completion of the evaluation process."**

"Completion of the evaluation process" means the Council has "completed negotiating the contract with the selected vendor." The Council's proposal evaluation process is not completed until both the selected vendor and the Council have signed the contract because, until the contract is fully executed, either party may negotiate changes to the contract.

When the proposal evaluation process is completed, all remaining data submitted by all RFP responders are public except trade secret data.

- **When the Council rejects all RFP responses, all information in the responses (except for responders' names) remains private or nonpublic until the Council resolicits proposals or abandons the purchase.**

If the Council rejects all proposals before the evaluation process is completed, all data other than the names of responders remain private or nonpublic until: (a) a resolicitation for proposals results in completion of the evaluation process; or (b) the Council abandons the purchase. If the Council has not abandoned the purchase but does not resolicit proposals within one year of the proposal opening date, the remaining data become public except trade secret data.

When proposals are rejected after the evaluation process is completed, data that became public when the evaluation process was completed remain public.

- **Data created or maintained by the Council as part of a bid selection process or proposal evaluation process are "protected nonpublic data" until the Council completes its bid selection process or completes its RFP proposal evaluation process.**

"Protected nonpublic data" are: (a) accessible only to individuals within the Council who have a business reason to see or have the data; and (b) are not accessible to the public or to individuals or businesses who are the subject of the data.

Data created or maintained by the Council as part of a bid selection process become public only upon "completion of the selection process" for IFBs. Data created or maintained by the Council as part of a proposal evaluation process become public only upon "completion of the evaluation process" for RFPs.

Data created or maintained by the Council as part of a bid selection or proposal evaluation process include, but are not limited to: bid and proposal documents submitted by bidders and responders; evaluation panel notes and reports; identities of evaluation panel members; documents relating to bidder/responder responsibility; DBE participation

information; and federal certifications.

When a selection or evaluation process is completed, all data created or maintained as part of the bid selection or proposal evaluation process become public except trade secret data.

Prior to initiating a proposal evaluation process, the Council sometimes asks prospective evaluation panel members to disclose economic interest information about themselves. Economic interest information provided by prospective panel members is not considered part of a proposal evaluation process and is private personnel data on the individuals. Generic conflict of interest and confidentiality forms signed by evaluation panel members are considered part of the proposal evaluation process and become public when the proposal evaluation process is completed.

- **Statements by IFB bidders or RFP responders that data they submitted are copyrighted or otherwise protected does not prevent public access to the data contained in the bids or proposals.**

You may inspect public copyrighted data contained in bids or proposals, but the Council generally cannot make copies of copyrighted data without the copyright holder's permission.

SECTION SIX

Responsible Authority, Data Practices

Compliance Official and Designees

RESPONSIBLE AUTHORITY

The Regional Administrator is the Metropolitan Council's designated Responsible Authority and is responsible for the collection, use, and dissemination of data on individuals, government data and summary data by the Council.

Weston W. Kooistra, Regional Administrator

Metropolitan Council

390 Robert Street North

Saint Paul, Minnesota 55101-1805

(651) 602-1723

Email address for Wes Kooistra

DATA PRACTICES COMPLIANCE OFFICIAL

The Data Practices Compliance Official is the designated Metropolitan Council employee to whom you may direct questions or concerns regarding problems in obtaining access to Council data or other data practices problems. The Council's Data Practices Compliance Official is:

Bridget Barton, Data Practices Compliance Official

Office of the Regional Administrator

Metropolitan Council

390 Robert Street North

Saint Paul, Minnesota 55101-1805

(651) 602-1806

Email address for Bridget Barton

DESIGNEES

The following Metropolitan Council employees have been designated by the Responsible Authority as the persons in charge of individual files or systems within their departments that contain government data. Designees are responsible for receiving and complying with data requests relating to their respective subject areas.

OFFICE OF THE CHAIR/REGIONAL ADMINISTRATION

Subject Areas	Designee/Contact Person	Contact Information
Human Resources and Personnel Data	Todd Rowley, Assistant Director, Human Resources	Metropolitan Council Human Resources 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1448 *Email address for Todd Rowley*
Finance	Mary Bogie, Chief Financial Officer	Metropolitan Council Finance Department 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1359 *Email address for Mary Bogie*

Subject Areas	Designee/Contact Person	Contact Information
Risk Management and Claims	Philip Walljasper, Director, Risk Management and Claims	Metropolitan Council Risk Management 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1787 *Email address for Philip Walljasper*
Information Services; Geographic Information Systems (GIS)	David Hinrichs, Chief Information Officer	Metropolitan Council Information Services 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1443 *Email address for David Hinrichs*
Communications: media relations, library, public information, website	Kate Brickman, Director, Communications	Metropolitan Council Communication Department 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1518 *Email address for Kate Brickman*

Subject Areas	Designee/Contact Person	Contact Information
Program Evaluation and Audits	Arleen Schilling, Director, Program Evaluation and Audit	Metropolitan Council Program Evaluation and Audit 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1450 *Email address for Arleen Schilling*
Equal Opportunity: Small Business Programs, Equity Support Unit and Equity Implementation Unit	Wanda Kirkpatrick, Director, Office of Equal Opportunity	Metropolitan Council Office of Equal Opportunity 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1085 *Email address for Wanda Kirkpatrick*
Legal Services	Don Mueting, General Counsel	Metropolitan Council Office of the General Counsel 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1751 *Email address for Don Mueting*

Subject Areas	Designee/Contact Person	Contact Information
Contracts and Procurement (agency wide)	Micky Gutzmann, Director, Contracts and Procurement	Metropolitan Council Contracts and Procurement 390 Robert Street North Saint Paul, Minnesota 55101 651) 602-1741 *Email address for Micky Gutzmann*

COMMUNITY DEVELOPMENT

Comprehensive planning and local comprehensive plan reviews; housing policy and community development; Livable Communities Act (LCA) programs	Beth Reetz, Director, Community Development Division	Metropolitan Council Community Development 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1060 *Email address for Beth Reetz*
Census and regional research data	Mark Vander Schaaf, Director, Planning & Growth Management	Metropolitan Council Community Development 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1441 *Email address for Mark VanderSchaaf*

Subject Areas	Designee/Contact Person	Contact Information
Housing assistance programs (Metro HRA)	Terri Smith, Manager, Metro HRA	Metropolitan Council Livable Communities / Metro HRA 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1187 *Email address for Terri Smith*

ENVIRONMENTAL SERVICES

Environmental Services: Capital Projects	Bryce Pickart, Assistant General Manager, Technical Services Division	Metropolitan Council Environmental Services 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1091 *Email address for Bryce Pickart*
Environmental Services: Sewer Availability Charge (SAC) program	Ned Smith, Director, ES Finance and Revenue	Metropolitan Council Environmental Services 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1162 *Email address for Ned Smith*

Environmental Services: Industrial Waste	Larry Rogacki, Assistant General Manager, Support Services	Metropolitan Council Environmental Services 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-8225 *Email address for Larry Rogacki*

TRANSPORTATION

Subject Areas	Designee / Contact Person	Contact Information
Metro Transit	Howie Padilla, Metro Transit Public Relations	Metro Transit 560 Sixth Avenue North Minneapolis, Minnesota 55411 (612) 349-7089 *Email address for Howie Padilla*
Transit Customer Data	Nicholas Eull, Revenue Operations, Senior Manager	Metro Transit 560 Sixth Avenue North Minneapolis, Minnesota 55411 (612) 349-7364 *Email address for Nick Eull*

Contracted Transit Operations: contracted regular route bus service, Metro Mobility, Transit Link dial-a-ride, Metro Vanpool	Gerri Sutton, Assistant Director Contracted Transit Services	Metropolitan Council Metropolitan Transportation Services 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1672 *Email address for Gerri Sutton*
Subject Areas	Designee / Contact Person	Contact Information
Transportation Planning	Amy Vennewitz, Deputy Director, MTS	Metropolitan Council Metropolitan Transportation Services 390 Robert Street North Saint Paul, Minnesota 55101 (651) 602-1058 *Email address for Amy Vennewitz*
Bottineau Light Rail Project	Robin Caufman, Assistant Director, Administration, Communications and Outreach	Southwest Project Office 6465 Wayzata Boulevard Suite 500 St. Louis Park, MN 55426 (651) 602-1457 *Email address Robin Caufman*

Southwest Light Rail Transit Project	Robin Caufman, Assistant Director, Administration, Communications and Outreach	Southwest Project Office 6465 Wayzata Boulevard Suite 500 St. Louis Park, MN 55426 (651) 602-1457 *Email address Robin Caufman*

SECTION SEVEN

Records, Files or Processes Relating to

Private or Confidential Data

This Section Seven lists records, files or processes that relate to private or confidential data on individuals maintained by the Council. This section also describes how each kind of data is classified and identifies the law that classifies each type of data.

Data requests relating to private or confidential data must be submitted in writing to the appropriate Designee. Contact information for each Designee is listed in Section Six of this document.

RECORD, FILE, SYSTEM OR PROCESS			
NAME	DESCRIPTION	CLASSIFICATION UNDER STATE OR FEDERAL LAW	
Personnel files	Personnel and other data on employees, applicants and dependents, including health care reimbursement data and Social Security numbers	Private and confidential	Minn. Stat. § 13.43, subds. 3 & 4 (some personnel data are "public" data under section 13.43); Minn. Stat. § 13.39, subd. 2; Minn. Stat. § 13.355, subd. 1
Employee assistance programs	Employee assistance data	Private	Minn. Stat. § 13.43, subd. 7 Minn. Stat. § 13.02, subd. 12
Drug/alcohol testing programs (safety-sensitive positions)	Drug/alcohol test result reports on employees and applicants	Private under state law; "confidential" under federal law	Minn. Stat. § 181.954, subd. 2; Minn. Stat. § 13.43, subds. 3 & 4 49 U.S.C. § 5331(d)(7); 49 C.F.R. § 655.73(a)

RECORD, FILE, SYSTEM OR PROCESS			
NAME	DESCRIPTION	CLASSIFICATION UNDER STATE OR FEDERAL LAW	
Payroll system	Social Security numbers; tax information; home addresses	Private	Minn. Stat. § 13.355, subd. 1; Minn. Stat. § 13.43, subd. 4
Equal opportunity	Data on individuals relating to investigation	Private and Confidential	Minn. Stat. § 13.43, subd. 4
DBE program certification	Personal net worth; certification applications and other confidential business information; complainant identities	"Confidential" under federal law; private trade secret information under state law	49 C.F.R. § 26.67(a)(2)(iv); 49 C.F.R. § 26.87(a) 49 C.F.R. § 26.109(b)
Metro Mobility user and applicant files	Personal, medical, financial, familial and locational data on users and applicants, and their names	Private	Minn. Stat. § 13.72, subd. 10 and Minn. Stat. § 13.72, subd. 19
Personnel files of contractors performing public functions	Personnel files and data on contractor employees	Private	Minn. Stat. § 13.05, subd. 11(a); Minn. Stat. § 13.43, subd. 4
Rideshare programs	Home addresses, telephone numbers, work hours, commuting modes, types of rideshare service information requested	Private	Minn. Stat. § 13.201; Minn. Stat. § 13.72, subd. 9
Criminal investigations and law enforcement	During active investigations, data collected to prepare criminal cases against persons	Confidential	Minn. Stat. § 13.82, subd. 7

RECORD, FILE, SYSTEM OR PROCESS			
NAME	DESCRIPTION	CLASSIFICATION UNDER STATE OR FEDERAL LAW	
	Data describing stolen, lost, confiscated or recovered property	Private	Minn. Stat. § 13.82, subd. 20
	Until defendants are taken into custody, served with warrants or appear in court, data in arrest warrant indices	Confidential	Minn. Stat. § 13.82, subd. 19
	Data reflecting deliberative processes	Confidential	Minn. Stat. § 13.82, subd. 25
	Criminal history data	Private	Minn. Stat. § 13.87, subd.1(b)
	Identities of individuals protected from public access	Private	Minn. Stat. § 13.82, subd. 17
Civil investigations; pending civil legal actions	Data collected as part of active investigations to commence or defend pending civil legal actions	Confidential	Minn. Stat. § 13.39, subd. 2
Program evaluation and audits	Until final report or conclusion of audit/investigation, data, notes and preliminary drafts of reports relating to internal audits or investigations	Confidential and Private Personnel Data	Minn. Stat. § 13.392, subd. 1 and Minn. Stat. § 13.43
	Data identifying individuals providing information for audits or investigations	Private	Minn. Stat. § 13.392, subd. 2

RECORD, FILE, SYSTEM OR PROCESS			
NAME	DESCRIPTION	CLASSIFICATION UNDER STATE OR FEDERAL LAW	
Metro HRA housing assistance programs	Information on federal and other housing assistance program participants and applicants; unit addresses	Private	Minn. Stat. § 13.462, subd. 3
	Federal Housing Opportunities for Persons with AIDS Program applicant and participant information	"Confidential under federal law; "private" under state law	42 U.S.C. § 12905(e) and 24 C.F.R. § 574.440; Minn. Stat. § 13.462, subd. 3
	Correspondence with agency attorneys relating to investigations and litigation	Confidential	Minn. Stat. § 13.585, subd. 2
	Social security and employer identification numbers; income information from state wage information collection agencies	"Confidential" under federal law; "private" under state law	42 U.S.C. § 3544(c)(2) & (3); 24 C.F.R. § 5.212(a); Minn. Stat. § 13.462, subd. 3
	Criminal activity records	"Confidential" under federal law; "private" under state law	24 C.F.R. § 982.553(d)(1) and 24 C.F.R. pt. 5, subp. J; Minn. Stat. § 13.462, subd. 3
Library and Data Center	Library patron names relating to borrowed materials or specific subjects	Private	Minn. Stat. § 13.40, subd. 2

RECORD, FILE, SYSTEM OR PROCESS			
NAME	DESCRIPTION	CLASSIFICATION UNDER STATE OR FEDERAL LAW	
Contracts and Procurement	Until responses are opened, and selection/evaluation processes are completed, business data and responses to Request for Bids and Request for Proposals	Private	Minn. Stat. § 13.591, subd. 3
	Trade secret information provided by individuals	Private	Minn. Stat. § 13.591, subd. 3 and Minn. Stat. § 13.37, subds. 1(b) and 2
Metro Transit, transit customer data	Data on applicants, users, and customers of public transit collected through Council's personalized Web services or the regional fare collection system	Private	Minn. Stat. § 13.72, subd. 19
Personal contact and online account information	Data on individuals collected, maintained, or received for notification purposes or as part of a subscription list for electronic periodic publications	Private	Minn. Stat. § 13.356

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