

<b>Handbook for the City of Hermantown</b>		
<b>✓ Policy – Resolution No. 2015-37</b>	<b>Procedure</b>	
<b>Date Adopted September 16, 2013</b>	<b>Title: Data Practices Procedures/Police Department</b>	<b>Section: Emergency Services</b>
<b>Revision Dates: 3/16/2015</b>		<b>Page: 1 of 36</b>

**CITY OF HERMANTOWN**

**MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**POLICE DEPARTMENT PROCEDURES**

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**I. Introduction.**

These procedures are adopted by the City of Hermantown (“City”) for use by the Hermantown Police Department to comply with the requirements of the Minnesota Government Data Practices Act (“MGDPA”), Chapter 13 of the Minnesota Statutes.

All information maintained by the City is public unless classified as not public by a state statute or a federal law. 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 public data.

**II. Responsible Authority and Data Practices Compliance Official.**

The person who is the responsible authority for the City under the MGDPA is the City Clerk. All MGDPA requests must be submitted to the responsible authority or a designee who will then respond to the MGDPA request. The designee(s) for the Police Department are listed on attached Exhibit 1. The Deputy Chief of Police or his/her designee is also the data practices compliance official for the Police Department and is responsible for answering questions, concerns, or complaints regarding problems in obtaining access to Police Department information.

**III. Requests for Data.**

**A. Form of Request.**

**Request.** The request for data must be written. A City of Hermantown Information Disclosure Request Form, Minnesota Government Data Practices Act (“MGDPA Request Form”), must be completed, which is attached hereto as Exhibit 2.

An individual is not required to provide his/her name on the MGDPA Request Form, however, the burden is then on the individual to check with the responsible authority or designee on the status of the MGDPA request.

**B. Response.** The responsible authority or the designee will then respond to the MGDPA request.

Responses will be in writing, on the MGDPA Request Form submitted. If the responsible authority or the designee denies the request for data, the specific legal authority including the statutory section must be given.

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If the data is maintained in electronic format and is requested to be electronic format, then it may be provided in that medium. This does not mean that the City will provide the data in an electronic format or program that is different from what the City has.

Responses may be emailed to a requester but only if the MGDPA Request Form was submitted by email and the requester specifically requests it to be returned by email. Any responsive data may be emailed as a pdf but only if it is less than twenty (20) pages.

Email MGDPA Request Forms and Responses, including copies of any responsive data, will either be printed and filed in the Data Practices Request file for that year or electronically stored in the specific file related to the request and may be disposed of according to the City’s records retention schedule.

**C. Time Limits.**

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

**Response.** Responses to MGDPA requests will be made at the time of the request or as soon thereafter as possible. If the data requested is Data on Individuals, by the subject of the data, responses will be made at the time of the request or within ten (10) days, excluding Saturdays, Sundays and Holidays.

**D. Fees.** Fees will be charged according to the City’s Fee Schedule and the policy attached as Exhibit 3.

**E. Standing Requests.** A person requesting data may make a standing request to inspect or receive copies of public data. Except for standing requests for notices of meetings and copies of agendas, which remain in effect until terminated by the person requesting such data, pursuant to existing practice of the City that mimics the policy of the Minnesota Department of Administration, standing requests will expire three (3) months after the initial request unless the person requesting the data renews the standing request no more than ten (10) days prior to the expiration of the most recent standing request for such data.

**IV. Data on Individuals.**

Information about individual people is classified by law as public, private, or confidential.

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**A. People Entitled to Access.**

*Public* information about an individual may be shown or given to anyone.

*Private* information about an individual may not be shown or given to the public, but may be shown or given to:

- The individual, 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 data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- 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. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Confidential* information may **not** be shown or given to the subject of the data, or to the public, 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 (such as attorneys) whose work assignments or responsibilities reasonably require access.

**B. Request.** Any individual may request, in writing, to know if the City has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be shown public or private data without charge, and can request an explanation of the content and the meaning of the data.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public

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data. This 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. Summary Data.** Summary data is statistical records and reports derived from data on individuals but which does 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, unless classified as otherwise by Minnesota Statute or federal law. The responsible authority or designee will prepare summary data on private or confidential data upon request, if the request is in writing and the requesting party pays for the cost of preparation. Within ten (10) days of receiving a request for summary data, 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. .

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 to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

**E. 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). A Tennesen Warning – Juvenile, attached as Exhibit 6, or a form reasonably similar, must be completed when information is requested.

**Denial of Parental Access.** The responsible authority or designee may deny parental access to private data when the juvenile requests this denial and the

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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,
- Whether denying access may protect the juvenile from physical or emotional harm,
- Whether there is reasonable grounds to support the juvenile’s reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 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 Minnesota Statutes Section 144.335.

**V. Data Not on Individuals.**

Information not on individuals is classified by law as public, nonpublic, or protected nonpublic.

**A. People Entitled to Access**

*Public* information that is not about an individual may be shown or given to anyone.

*Nonpublic* information that is not about an individual may not be shown or given to the public, but may be shown or given to:

- The subject of that data, if any.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.

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- People about whom the subject was advised at the time the data was collected. A Tennessean Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Protected Nonpublic* information that is not about an individual may **not** be shown or given to the subject of the data, or to the public, 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 (such as attorneys) whose work assignments or responsibilities reasonably require access.

**B. Request.** Any individual may make a request, in writing, for public data not on individuals.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This 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.

## **VI. Data on Decedents.**

Information on decedents is classified as public, private, or confidential. Upon the death of a data subject, private data and confidential data become classified as private data on a decedent and confidential data on a decedent. Private data on a decedent and confidential data on a decedent become public ten (10) years after the individual’s death and thirty (30) years after the creation of the data. There is a presumption of death if ninety (90) years has passed since the data was created or the persons birth, unless there is proof otherwise.

### **A. People entitled to Access.**

*Public* information about a decedent may be shown or given to anyone.

*Private* information about a decedent may not be shown or given to the public, but may be shown or given to:

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- The representative of the decedent.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 4, or a form reasonably similar.
- 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. A Tennessee Warning, attached as Exhibit 5, or a form reasonably similar, must be completed when information is requested.
- People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

*Confidential* information about a decedent may **not** be shown or given to the representative, or to the public, 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 (such as attorneys) whose work assignments or responsibilities reasonably require access.
- A trustee in cases of a wrongful death action.

**B. Request.** Any individual may request public data on decedents.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This 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.

## **VII. Challenge to Data Accuracy.**

An individual may request to view all public and private data the City maintains about that individual. If that individual believes there are errors, they may contest the accuracy

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or completeness of that data maintained by the City. The individual must notify the responsible authority in writing describing the nature of the disagreement.

The responsible authority must respond to the individual within thirty (30) days, and state whether the responsible authority agrees completely, with part, or none of the challenge. If the responsible authority agrees, then the City must make the changes the individual requested and try to notify anyone who has received the data in the past, including anyone the individual names.

If the responsible authority does not agree with all or part of the challenge, then the individual may appeal the decision to the Commissioner of the Minnesota Department of Administration. If the City told the individual of its right to appeal, then the individual must do so within sixty (60) days, if not, then within one hundred and eighty (180) days. The individual must send the appeal in writing to the Commissioner of Administration, State of Minnesota, 201 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155.

### **VIII. Complaints.**

An individual may file a complaint alleging a violation of the MGDPA with the district court pursuant to Minnesota Statutes Section 13.08, Subdivision 4 (2010), as it may be amended from time to time or with the Office of Administrative Hearings pursuant to Minnesota Statutes Section 13.085 (2010), as it may be amended from time to time.

### **IX. 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, City Administrator, 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.**

Not public data are any data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

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Not public data 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.

Not public 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 not public data. These employees will be instructed to:

- not discuss, disclose, or otherwise release not public data to City employees whose job responsibilities do not require access to the data,
- not leave not public data where non-authorized individuals might see it, and
- shred not public data before discarding.

When a contract with an outside party requires access to not public data, the contracting party will be required to use and disseminate the information consistent with the MGDPA.

**C. Investigation of Data Breaches.**

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, if the Police Department discovers a data breach, it must disclose that breach to the subject of the data, and the person must be informed that the entity will perform an investigation of the data breach, and instructions on how the report can be accessed after completion. The report must contain, at a minimum, the following information:

- A description of the type of data that was accessed or acquired,
- The number of individuals whose data was improperly accessed or acquired,
- If there has been a final disposition of disciplinary action, the name of each employee determined to be responsible for the unauthorized access or acquisition, and
- The final disposition of any disciplinary action taken against each employee in response.

The Responsible Authority shall issue the above-mentioned report.

**D. Annual Security Assessment.**

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, the Chief shall conduct a comprehensive security assessment of any personal information maintained by the Police Department.

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**E. Employee Penalties.**

Pursuant to Minnesota Statutes Section 13.09, as it may be amended from time to time, the knowing unauthorized acquisition of not public data is a misdemeanor and constitutes just cause for suspension without pay or dismissal of the Police Department employee.

**F. Not Public Data.**

Data that is not public will be referred to in these Procedures as not public data.

**X. Criminal Investigative Data.**

Pursuant to Minnesota Statutes Section 13.82, criminal investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation is active. Certain arrest, request for service, and response or incident data is public and upon request, the responsible authority or designee shall provide such data on the form attached as Exhibit 7. However, the identity of certain individuals may be protected including juvenile witnesses when the police department reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness. This shall be at the discretion and in the best judgment of the responsible authority for designee.

**XI. Access to Data for Crime Victims.**

Pursuant to Minnesota Statutes Section 13.82, subdivision 13, upon receipt of a written request, the prosecuting authority shall release investigative data collected by the Hermantown Police Department to the victim of a criminal act or alleged criminal act or to the victim's legal representative unless the release to the individual subject of the data would be prohibited under section [13.821](#) or the prosecuting authority reasonably believes:

(a) that the release of that data will interfere with the investigation; or

(b) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

**XI. Copyrighted Data.**

Certain data may be protected under the copyright laws of the United States. Copyrighted data may be shown to a requestor but the City may not make copies of

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copyrighted data unless authorized to do so by court order (see e.g. *National Council on Teacher Quality v. Minnesota State Colleges & Universities, et al*, 2013 WL 3968735 (Minn. Ct. App. 2013)). A warning in the form of the one attached as Exhibit 9, or a form containing reasonably similar language, must be included at the beginning of any reproduction of any material made by the Hermantown Police Department, including so called watchguard DVDs.

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City of Hermantown  
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5111 Maple Grove Road  
Hermantown, MN 55811  
218-729-1200 (phone)  
218-729-1201 (fax)  
[www.hermantownmn.com](http://www.hermantownmn.com)

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**EXHIBIT 1**

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Deputy Chief of Police or his/her designee

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**EXHIBIT 2**

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CITY OF HERMANTOWN  
INFORMATION DISCLOSURE REQUEST FORM  
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: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART <input type="checkbox"/> DENIED
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
PHOTOCOPYING CHARGES: <input type="checkbox"/> None <input type="checkbox"/> ___ PAGES X ___ CENTS = _____ <input type="checkbox"/> SPECIAL RATE _____ (attach explanation) ___	Identity verified for private information: <input type="checkbox"/> IDENTIFICATION: DRIVERS LICENSE, STATE ID, ETC. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE:	DATE:

*\* The information that you are asked to provide is classified by state law as public. Our purpose and intended use of this information is to consider your request. You are not legally required to provide this information. You may refuse to provide this information. If you do not provide the requested information we will not be able to contact you to let you know when the response to your request has been completed. Other persons or entities may be authorized by law to receive this information.*

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**EXHIBIT 3**

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### **Policy for Fees for Providing Copies of Public Government Data**

This document is intended to guide government entities in determining an appropriate fee for providing copies of public government data when the requester is not the subject of the data *and* the copy fee is not established specifically by statute.

Minnesota Statutes, section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, and the requester is not the subject of the data, the responsible authority for the government entity *may* require the requester to pay a fee. Amendments to section 13.03 in 2005 require entities to calculate any fee that is charged by using *one* of the two methods below. (Minnesota Session Laws 2005, Chapter 163, section 8, effective August 1, 2005.) Regardless of which method is used, the entity may not charge for separating public data from not public data.

If a fee for responding to a data request as calculated below is less than \$5.00, no fee will be charged unless the data request is part of a series of request that is designed to avoid the imposition of a fee.

#### **Fee Calculation Method I**

If 100 or fewer pages of black and white, letter or legal size paper copies are requested, the entity may charge a per-page fee of not more than 25 cents for each page copied (50 cents for a two-sided copy). The entity is authorized to charge *only* the per-page fee and *cannot* require the requester to pay *any* of the costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Exceptions:

The entity may require the requester to pay the actual costs of providing a copy of data in a format or program than is different from how the City stores the data.

The entity may require the requester to pay the actual costs of making and certifying copies of individual data and data that has commercial value.

All fees must be paid prior to the data being released to the requestor.

#### **Fee Calculation Method II**

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If 101 or more pages of black and white, letter or legal size paper copies are requested, , the entity may require the requester to pay the actual costs of *searching* for and *retrieving* the data, including the cost of employee time, and for *making, certifying, compiling* and *electronically transmitting* copies of the data or the data themselves.

Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee. Certain advisory opinions, issued pursuant to Minnesota Statutes, section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD’s website; specifically, the topical index category, Copy costs.)

The City may require a deposit of \$500.00 on all requests that the Responsible Authority determines will be over 100 pages. Such deposit shall be made prior to the City compiling the data. If this amount is in excess of the actual costs incurred by the City then the excess amount shall be returned when the data is released to the requestor. If this amount is less than the actual amount incurred by the City then the additional amount will be required to be paid before the data is released to the requestor.

**Costs that *may be included* as long as they are *reasonable*:**

- ◆ Staff time required to:
  - Retrieve documents
  - Sort and label documents, *only* if necessary to identify the data to be copied
  - Remove staples or paper clips
  - Take documents to copier for copying
  - Copy documents

*Notes:* The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

- ◆ Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)
- ◆ Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data. *Note:* Computerized data must be kept in a manner that makes the data easily accessible for convenient use.
- ◆ Mailing costs

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◆ Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)

◆ Electricity costs when the requester uses own scanner to make an unusually large number of copies

**Costs that *may not* be included:**

◆ Purchase or rental of copier

◆ Maintenance of copier

◆ Normal operating expenses of computer/copier, including electricity used, and machine wear/tear

◆ Depreciation of copier

◆ Staff time required to:

Separate public from not public data

Open a data request that was mailed

Sort, label or review data, *if not necessary* to identify the data to be copied

Return documents to storage

Provide information about the data to the requester (i.e., explain content and meaning of data)

Prepare data for mailing

Prepare cover letter, fax sheet or invoice for copies

Credit payment and perform other associated accounting functions

*Note:* The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed

◆ Administrative costs that are not related to copying

◆ Records storage

◆ Sales tax

◆ The entire cost of operating a multi-tasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time

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- ◆ Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use
- ◆ Search and retrieval costs when data are inspected but no copies are requested

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**EXHIBIT 4**

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**CONSENT TO RELEASE PRIVATE DATA**

I, \_\_\_\_\_, authorize the City of Hermantown (“City”) to release the following private data:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ to the following person or entity:

\_\_\_\_\_

\_\_\_\_\_.

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 noncancelable 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.**

The undersigned has read this form and understands it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity)

**IDENTITY VERIFIED BY:**

Witness:     X \_\_\_\_\_

Identification: Driver’s     License,     State     ID,     Passport,     other:

\_\_\_\_\_

Comparison with signature on file

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Other: \_\_\_\_\_

Responsible Authority/Designee: \_\_\_\_\_

**EXHIBIT 5**

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TENNESSEN WARNING  
Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: \_\_\_\_\_  
\_\_\_\_\_.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: \_\_\_\_\_  
\_\_\_\_\_.

The undersigned has read this advisory and understands it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity)

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**EXHIBIT 6**

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TENNESSEN WARNING - JUVENILE  
Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider: \_\_\_\_\_  
\_\_\_\_\_.

You are not legally required to provide this information.

You may refuse to provide this information.

The consequences of supplying or refusing to supply data are that your request or application may not be considered or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows: \_\_\_\_\_  
\_\_\_\_\_.

If you are providing private data, you may request that the private data not be released to your parent or guardian. Please state any such request here: \_\_\_\_\_  
\_\_\_\_\_.

The undersigned has read this advisory and understands it.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Title

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**CITY OF HERMANTOWN POLICE DEPARTMENT**

**ARREST / REQUEST FOR SERVICE / RESPONSE OR INCIDENT DATA**

Pursuant to Minnesota Statutes Section 13.82, Subdivisions 2, 3 and 6 certain data created or collected by the Hermantown Police Department, which documents the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describes actions taken by the agency including arrests may be public government data.

The following is public data:

1. Date, time and place of the action;
2. The nature of the request or the activity complained of;
3. The name and address of the individual making the request unless the identity of the individual qualifies for protection under subdivision 17;
4. The response initiated and the response or incident report number;
5. Agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 17;
6. Any resistance encountered by the agency;
7. Any pursuit engaged in by the agency;
8. Whether any weapons were used by the agency or other individuals;
9. A brief factual reconstruction of events associated with the action;
10. Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 17;
11. Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 17;
12. The name and location of the health care facility to which victims or casualties were taken;
13. Dates of birth of the parties involved in a traffic accident;
14. Whether the parties involved were wearing seat belts;

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15. The alcohol concentration of each driver;
16. The charge, arrest or search warrants, or other legal basis for the action;
17. Whether and where the individual is being held in custody or is being incarcerated by the agency;
18. The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody;
19. The date, time and legal basis for any release from custody or incarceration;
20. The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;
21. Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation; and
22. The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 17.

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## DATA INVENTORY

This is an inventory of private and nonpublic data categories and classifications at the City of Hermantown Police Department. All other data are presumed public.

Not public data are only accessible to police officers, clerical staff, and attorneys (“Hermantown Police Department Staff”) whose work assignments reasonably require access to that data.

City of Hermantown Police Department  
5111 Maple Grove Road  
Hermantown, MN 55811

Police Department Data Practices Compliance Official: Deputy Chief Shawn Padden, [padden@hermantownmn.com](mailto:padden@hermantownmn.com), (218) 729-1200.

Responsible Authority: Debbie Lund, [dlund@hermantownmn.com](mailto:dlund@hermantownmn.com), (218)729-3600.

### Category of Data:

#### Criminal Investigative Data

Investigative data collected or created by the Hermantown Police Department in order to prepare a case against a person, whether known or unknown, for the commission of a crime is classified as private, confidential and/or protected non-public while the investigation is active pursuant to Minnesota Statutes § 13.82. See also, Minnesota Statutes §§ 13.80, 13.85, 13.87, 169.09, 168.10, 169A.70, 171.043, 171.07, 171.071, 171.12, 171.32, 299A.61, 299C.065, 299C.091, 299C.093, 299C.095, 299C.46, 299C.48, 299C.53, 299C.56, 611.272, 626.53, 609.324, 609.3452, 609.3471, 626.556, 626.5563, 626.557, 626.558, 626.5593, 626.89, 629.341, 260B.171, 260B.198, 260B.235, 299C.68, 299F.035, 299F.04, 299F.05, 299F.054, 299F.055, 299F.056, 299F.095, and 299F.096.  
Employee Work Access: All Hermantown Police Department Staff as necessary.

#### Computer Data

Electronic access data may be classified as private and/or non-public pursuant to Minnesota Statute § 13.15.  
Employee Work Access: All Hermantown Police Department Staff as necessary.

#### Security Data

Government data the disclosure of which 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

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physical injury is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access: Chief and Deputy Chief.

### **Personnel Data**

Data on current and former employees, applicants, or volunteers are or may be classified as private pursuant to Minnesota Statutes § 13.47.

Employee Work Access: Chief and Deputy Chief.

### **Background Investigation and Criminal History Check Data**

Background Investigations and/or Criminal History Check data may be classified as private and/or confidential pursuant to Minnesota Statute §§ 13.82 and 13.87.

Employee Work Access: All Hermantown Police Department Staff as necessary.

### **Child Abuse Identity Data**

Active or inactive investigative data that identify a victim of child abuse or neglect are private data and active or inactive investigative data that identify a reporter of child abuse or neglect are classified as confidential pursuant to Minnesota Statutes § 13.82, subd. 8.

Employee Work Access: All Hermantown Police Department Staff as necessary.

### **Vulnerable Adult Identity Data**

Active or inactive investigative data that identify a victim of vulnerable adult maltreatment are private data and active or inactive investigative data that identify a reporter of vulnerable adult maltreatment are classified as private pursuant to Minnesota Statutes § 13.82, subd. 10.

Employee Work Access: All Hermantown Police Department Staff as necessary.

### **Juvenile Data**

Active or inactive investigative data regarding juveniles are or may be classified as private pursuant to Minnesota Statutes Chapter 260B.

Employee Work Access: All Hermantown Police Department Staff as necessary.

### **Firearms Data**

Data about the purchase or transfer of firearms and applications for permits to carry firearms is classified as private pursuant to Minnesota Statutes § 13.87.

Employee Work Access: All Hermantown Police Department Staff as necessary.

### **Examination Data**

Completed versions of personnel and licensing examinations are Private Data, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process pursuant to Minnesota Statutes § 13.34.

Employee Work Access: Chief and Deputy Chief.

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**Property Data**

Identities of individuals that register complaints concerning the use of real property are classified as confidential pursuant to Minnesota Statutes § 13.44.

Employee Work Access: All Hermantown Police Department Staff as necessary.

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