

<b>Handbook for the City of Hermantown</b>		
<b>Policy</b>		<b>X Procedure</b>
<b>Date Adopted</b>	<b>Title: MN Gov't Data Practices Act – Police Department Procedures</b>	<b>Section: Emg Services</b>
<b>Revision Dates: 8-5-19</b>		<b>Page: 1 of 44</b>

**Purpose:**

**CITY OF HERMANTOWN**

**MINNESOTA GOVERNMENT DATA PRACTICES ACT POLICE**

**DEPARTMENT PROCEDURES**

**Handbook for the  
City of Hermantown**

<b>Policy</b>		<b>X Procedure</b>	
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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 in writing, by mail or email, or to a designee who will then respond to the MGDPA request. The designee for the Police Department is listed on attached Exhibit 1. The designee for the Police Department 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 and Response.**

**Request.** The request for data must be written. A City of Hermantown Information Disclosure Request Form (“MGDPA Request Form”) must be completed, which is attached hereto as Exhibit 2, and sent to the responsible authority by mail or email.

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.

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

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 the format in which the City maintains the data.

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**B. 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.

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.

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

**D. 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.**

**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:**

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- 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 this type of information is requested.
- People within the City staff, the City Council, Police Department, 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, Police Department, 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 Police Department has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be allowed to inspect 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 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

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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 Tennessee 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 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

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**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 are 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 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, Police Department, 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, Police Department 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.***



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

- 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, Police Department, 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, Police Department, 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. Collection of Data on Individuals.

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The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about the individual, the member of the Police Department requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

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

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer. A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 6.

VIII. Challenge to Data Accuracy.

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the Police Department. The individual must notify the City’s responsible authority or the Police Department designee, listed on Exhibit 1, in writing describing the nature of the disagreement. Within 30 days, the responsible authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct.

An individual who is dissatisfied with the responsible authority’s action may appeal to the Commissioners of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

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IX. 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, as it may be amended from time to time or with the Office of Administrative Hearings pursuant to Minnesota Statutes Section 13.085, as it may be amended from time to time.

X. 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, Police Chief, 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.

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 or Police Department offices, except when necessary for City or Police Department 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:

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- not discuss, disclose, or otherwise release not public data to City or Police Department 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 or Police Department designee 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 Police Chief shall conduct a comprehensive security assessment of any personal information maintained by the Police Department.**

**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.**

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**F. Not Public Data.**

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

**XI. 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.

**XII. 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.

**XIII. 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 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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 218-729-1201 (fax)  
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EXHIBIT 1

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**Police Commander Mark Gunderson or his 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: _____

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AUTHORIZED SIGNATURE:	DATE:
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*\* 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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### **Policy for Fees for Providing Copies of Public Government Data**

Minnesota Statutes, section 13.03 provides that, if a request is for copies or electronic transmittal of government data, the responsible authority for the government entity may require the requester to pay a fee.

Below are the two methods that government entities may use to calculate fees, pursuant to [Minnesota Statutes 13.03](#). There are two scenarios when copies are requested; either the request is for 100 or fewer pages of black and white legal-size paper, or the request is for more than 100 pages of black and white legal-size paper. These two methods lay out the fees that may be charged in each of these scenarios. Regardless of which fee-calculation 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 \$10.00, no fee will be charged unless the data request is part of a series of requests 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 fewer than 101 pages of data if, to provide copies, it is necessary that copies must be in a format or program different from how the City stores the data.**

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

#### Fee Calculation Method II

**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**

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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

◆ 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.)

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- ◆ 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
- ◆ Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use

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- ◆ 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 about me:

\_\_\_\_\_

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

\_\_\_\_\_

The person or people receiving the private data may use it only for the following purpose or purposes:

\_\_\_\_\_

This authorization is dated \_\_\_\_\_ and expires on \_\_\_\_\_.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or 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:** \_\_\_\_\_

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**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



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**Signature and Title**

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**EXHIBIT 7**

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### SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor’s obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the “MGDPA”). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor’s failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

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**EXHIBIT 8**

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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 an automated license plate reader, 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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**EXHIBIT 9**

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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: Police Commander Mark Gunderson, [gunderson@hermantownmn.com](mailto:gunderson@hermantownmn.com), (218) 729-1200.

Responsible Authority: Bonnie Engseth, [bengseth@hermantownmn.com](mailto:bengseth@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.

#### 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.

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

Employee Work Access: Command Staff.



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**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: Command Staff.

**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.

**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.

**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.

**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.

**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.

**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: Command Staff.

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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.

**Automated License Plate Reader Data**

Data collected by an automated license plate reader are classified as private and/or nonpublic pursuant to Minnesota Statutes § 13.824.

**Employee Work Access**

Chief of Police and his/her designees

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**EXHIBIT10**

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