

Adopted: _____

Revised: _____

[SCHOOL NAME] POLICY No. 403
PUBLIC AND PRIVATE PERSONNEL DATA

I. PURPOSE

The purpose of this policy is to provide guidance regarding personnel data.

II. POLICY STATEMENT

It is the policy of [SCHOOL NAME] to comply with applicable statutes and rules to ensure that data on personnel is appropriately gathered, stored, disclosed and is appropriately available to those who request it. All data classified as public personnel data will be available to the public pursuant to the procedures established by the [SCHOOL NAME]. All other personal data are private or confidential.

III. DEFINITIONS

- A. Personnel data. "Personnel data" means data on individuals maintained because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a government entity
 - B. Public data. "Public data" means all government data collected, created, received, maintained or disseminated by a government entity unless otherwise classified by statute or federal law as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.
 - C. Public personnel data. "Public personnel data" is personnel data available to anyone who may request it.
 - D. Private personnel data. "Private personnel data" is personnel data available to [SCHOOL NAME] staff who need it to conduct the business of [SCHOOL NAME] and is available to the subject of the data.
 - E. Confidential personnel data. "Confidential personnel data" is private personnel data that is not available to the subject of the data.
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IV. SCOPE OF THE POLICY

- A. This policy applies to all employees of [SCHOOL NAME]. It is designed to provide guidance to all individuals who are involved with the creation, use, and/or maintenance of personnel data for all employees. This policy also provides information for employees and members of the public seeking personnel data.

The policy applies to all official personnel files for employees, including but not limited to, application, resume, at-will employment agreements, personnel action documents, compensation-related memos, commendation letters, disciplinary letters, information related to changes in assignment, non-medical leave requests and responses, performance appraisals (including annual goals, annual reviews, final reports of evaluation committees), and employee responses to those documents.

- B. Responsibility for Administering the Policy. The “Responsible Authority” means the person (Superintendent, Executive Director, or Designee) appointed by the [SCHOOL NAME] Board who is ultimately responsible for the collection, use, and dissemination of all [SCHOOL NAME]’s data, and for all of the school’s data practices decisions. The Responsible Authority must ensure compliance with all of the requirements, duties, and obligations of the Minnesota Government Data Practices Act and accompanying rules. The Responsible Authority shall maintain the official personnel records of all employees.
- C. Internal Records Review. Current employees may review their own private personnel data and official personnel files, once every six months, by submitting a written request to the Executive Director or designee. Requests by employees to review their personnel file shall be complied with as soon as possible or within seven working days from the date of the request. After review and upon written request, the employee may receive a copy of the file. Data properly classified as confidential personnel data under Minnesota law is not available if the employee is the subject of the data.
- D. Internal Record Requests. Internal requests for personnel data by employees of [SCHOOL NAME] other than the employee should be made to Executive Director or designee and are only available to those individuals within [SCHOOL NAME] whose work assignments reasonably require access. If a requester's work assignment does not reasonably require access, the requester will be advised to submit a written request to the Executive Director or designee who will review the request and public data, as defined by law, will be gathered and an appropriate response.
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- E. Former Employees. Upon written request, former employees may review their personnel record containing private personnel data once each year, for as long as the personnel record is maintained. Or, the former employee may receive a one-time copy of the file, in lieu of the right to yearly review. Data properly classified as confidential personnel data under Minnesota law is not available if the employee is the subject of the data.
- F. Disputing Data. If an employee or former employee disputes specific information in the file, the employee must notify the Executive Director or designee regarding the disputed information. An agreement to revise or remove the material may occur or, if no agreement can be reached, the employee may submit a position statement, not to exceed five written pages, which must also be maintained in the personnel file or otherwise follow the process allowed by law.
- G. External Records Review. When personnel data is being requested by anyone outside of [SCHOOL NAME], the request must be made in writing and forwarded to the Executive Director or designee where it will be reviewed, and an appropriate response will be provided based on the classification of the data. No information will be released in response to verbal requests. If requested, copies shall be provided for a fee, which may include the costs of searching for and retrieving the data and for making, certifying, and compiling the copies. Copies will be provided within a reasonable time period and paid for by the requester prior to receipt of the materials.
- H. Required Disclosures. The Executive Director or designee will disclose personnel data concerning current or former employees as required by law.

Legal References: Minn. Stat. § 124E.03 (Charter Schools – Applicable Law)
Minnesota Government Data Practices Act, Minn. Stat. Chap. 13
Minn. Stat. § 122A.20, subd. 2 (Suspension or Revocation of Licenses)
Minn. Stat. § 181.961 (Review of Personnel Record by Employee)
