

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 428 – Public and Private Personnel Data

1.0 Purpose

The purpose of this policy is to provide guidance to school district employees as to the data the school district collects and maintains regarding its personnel.

2.0 General Statement of Policy

2.1 All data on individuals collected, created, received, maintained or disseminated by the school district that is classified by statute on federal law as public, shall be accessible to the public pursuant to the procedures established by the school district.

2.2 All other data on individuals is private or confidential.

3.0 Definitions

3.1 “Public data on individuals” means that the data is available to anyone who requests it.

3.2 “Private data on individuals” means the private data on individuals is available to the subject of the data and to school district staff who require it to conduct the business of the school district, is otherwise not public.

3.3 “Confidential data on individuals” means the confidential data on individuals is not public and is inaccessible to the individual subject of the data.

3.4 “Personnel data” means data on individuals collected because they are or were employees of the school district, applicants for employment, volunteers for the school district, independent contractors for the school district, or members of or applicants for an advisory board or commission.

3.5 “Finalist” means an individual selected to be interviewed by the school board for a position.

4.0 Public Personnel Data

4.1 The following information on current and former employees, including volunteers and independent contractors, is public:

4.1.1 name

4.1.2 actual gross salary

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- 4.1.3 salary range
- 4.1.4 contract fees
- 4.1.5 actual gross pension
- 4.1.6 the value and nature of employer-paid fringe benefits
- 4.1.7 the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary
- 4.1.8 job title
- 4.1.9 job description
- 4.1.10 education and training background
- 4.1.11 previous work experience
- 4.1.12 date of first and last employment
- 4.1.13 the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
- 4.1.14 the final disposition of any disciplinary action, together with the specific reasons for the action and data documenting the basis of action, excluding data that would identify confidential sources who are employees of the school district. A final disposition occurs when the school district makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the school district or arbitrator.
- 4.1.15 the terms of any agreement settling any dispute arising out of the employment relation, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of

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limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data

4.1.16 work location

4.1.17 work telephone number

4.1.18 badge number

4.1.19 honors and awards received

4.1.20 payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data

4.1.21 employee identification number, which may not be the employee's social security number

4.1.22 employee's bargaining unit

4.1.23 terms and conditions of employment relationship

4.1.24 work-related continuing education

4.2 Personnel data may be disseminated to the Bureau of Mediation Services or labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or when authorized by the Commissioner of the Bureau of Mediation Services.

4.3 The following information on current and former applicants for employment:

4.3.1 veteran status

4.3.2 relevant test scores

4.3.3 rank on eligible list

4.3.4 job history

4.3.5 education and training

4.3.6 work availability

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- 4.4 Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they are considered by the school board to be finalists for an employment position.
- 4.5 Regardless of whether there has been a final disposition upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. The term “public official” means the head of a state agency and deputy and assistant state agency heads; members of boards or commissions required by law to be appointed by the governor or other elective officers; and executive or administrative heads of departments, bureaus, divisions, or institutions with state government.

5.0 Private Personnel Data

- 5.1 All other personnel data is private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee’s informed written consent.
- 5.2 Data created, collected or maintained by the school district to administer employee assistance programs are private.
- 5.3 The school district may display a photograph of a current or former employee to prospective witnesses as part of the school district’s investigation of any complaint or charge against the employee.
- 5.4 The school district may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - 5.4.1 the person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order
 - 5.4.2 a pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1
 - 5.4.3 a court, law enforcement agency, or prosecuting authority

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- 5.5 A complainant has access to a statement provided by the complainant to the school district in connection with a complaint or charge against an employee.
- 5.6 The school district shall make any report to the Board of Teaching or the State Board of Education as required by Minnesota Statute, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school district's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statute.
- 5.7 Data pertaining to an employee's dependents are private data on individuals.
- 5.8 Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- 5.9 The school district shall release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district to law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data; or the employee resigned while a complaint or charge involving the allegations was pending, the allegations involved acts of sexual contact with a student, and the employer informed the employee in writing, before the employee resigned, that if the employee resigns while the complaint or charge is still pending, the employer must release private personnel data about the employee's alleged sexual contact with a student to a school district or charter school requesting the data after the employee applies for employment with that school district or charter school and the data remain classified as provided in Minn. Stat. Ch. 13. Data that are released under this paragraph must not include data on the student.
- 5.10 When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school district determines that the employee's access to that data would:
 - 5.10.1 threaten the personal safety of the complainant or a witness; or
 - 5.10.2 subject the complainant or witness to harassment.

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If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- 5.11 Health information on employees is private unless otherwise provided by law. To the extent that the school district transmits protected health information, the school district will comply with all data requirements.
- 5.12 An individual's checking account number is private when submitted to a government entity.
- 5.13 Personnel data may be disseminated to labor organizations to the extent the school district determines it is necessary for the labor organization to conduct its business or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.
- 5.14 Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch. 268.
- 5.15 When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report. Additionally, personnel data may be released for purposes of informing a parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.
- 5.16 Personal home contact information for employees may be used by the school district and shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation for the school district or government entity.
- 5.17 The personal telephone number, home address, and electronic mail address of a current or former employee of a contractor or subcontractor maintained as a result of a contractual relationship between the school district and a contractor or subcontractor entered on or after August 1, 2012, are private data. These data must be shared with another government entity to perform a function authorized by law. The data also must be disclosed to a government entity or any person for prevailing wage purposes.

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5.18 When a teacher is discharged because the teacher's license has been revoked due to a conviction for child abuse or sexual abuse or when the Commissioner of the Minnesota Department of Education (MDE) makes a final determination of child maltreatment involving a teacher, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under Minn. Stat. § 13.41, Subd. 5, and must provide the Board of Teaching and the licensing division at MDE with the necessary and relevant information to enable the Board of Teaching and MDE's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. In addition to the background check required under Minn. Stat. § 123B.03, a school board or other school hiring authority must contact the Board of Teaching and MDE to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher (employee or contractor) of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

6.0 Multiple Classifications

If data on individuals is classified as both private and confidential under the Minnesota Government Data Practices Act, or any other state or federal law, the data is private.

7.0 Change in Classifications

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

7.2 To the extent that government data is disseminated to a government entity by another government entity, the data disseminated shall have the same classification in the hands of the entity receiving it as it had in the hands of the entity providing it.

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7.3 If a government entity disseminates data to another government entity, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data.

7.4 To the extent that judicial branch data is disseminated to the School District by the judicial branch, the data disseminated shall have the same level of accessibility in the hands of the School District as it had in the hands of the judicial branch entity providing it.

8.0 Responsible Authority

The school district has designated the Superintendent of Schools as the authority responsible for personnel data. If you have any questions, please contact the District Office.

9.0 Employee Authorization/Release Form

An employee authorization form is included as an addendum to this policy.

Adopted: 1/25/00
Revised: 2/24/09
Revised: 6/12/18