

**CITY OF BALDWIN  
SHERBURNE COUNTY  
STATE OF MINNESOTA**

**DATA PRACTICES POLICY**

**Policy adopted by the City Council of Baldwin on: September 16, 2026.**

- I. Introduction.** These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the "Act"), specifically Minn. Stat. Sec. 13.03, Subd. 2 and 13.05, Subd. 5 and 8.
- II. Responsible Authority/Compliance Official.** The Responsible Authority/Compliance Official shall be appointed by Resolution of the City Council. The current Responsible Authority/Compliance Official is:

City Clerk  
30239 128<sup>th</sup> Street NW  
Baldwin, MN 55371  
(763) 389-893  
city.clerk@baldwinmn.gov

The Responsible Authority/Compliance Official may designate certain other City employees to assist in complying with the Act.

The City Clerk shall consult with the Mayor and or other designated Council Member regarding the request to determine if the City Attorney should be consulted.

- III. Access to Data.** All information maintained by the City is public unless there is a specific statutory designation that gives it a different classification. Categories of classification are as follows:

| <b>Data on<br/>Individuals<br/>(Natural<br/>Persons)</b> | <b>Data Not on Individuals</b> | <b>Degree of Accessibility</b>                                                                 |
|----------------------------------------------------------|--------------------------------|------------------------------------------------------------------------------------------------|
| Public                                                   | Public                         | Accessible to anyone                                                                           |
| Private                                                  | Nonpublic                      | Accessible to data subjects and to government officials whose duties reasonably require access |
| Confidential                                             | Protected Nonpublic            | Accessible only to government officials whose duties reasonably require access                 |

The City uses the State of Minnesota's General Records Retention Schedule which lists data series maintained by the City and their classifications.

Any person has the right to inspect and copy public data (there may be charges associated for obtaining copies). The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request. However, staff may ask clarifying questions for the sole purpose of facilitating access to the data.

- A. **Access to Public Data on Individuals.** All public data on individuals is accessible to anyone.
- B. **Access to Public Data not on Individuals.** All public data not on individuals is accessible to anyone.
- C. **Access to Private Data on Individuals.** Private data on individuals is accessible to:
  - 1. The individual, but only once every six months, unless a dispute has arisen or additional data has been collected;
  - 2. A person who has been given access by the express written consent of the data subject;
  - 3. People who are authorized access by the federal, state, or local law or court order;
  - 4. People about whom the individual was advised at the time the data was collected (the identity of those people must be part of the Tennessee warning described below;) and
  - 5. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

See also the City of Baldwin's "*Data Practices Act Policy for Data About You*" Policy.

- D. **Access to Nonpublic Data not on Individuals.** Nonpublic data not on individuals is accessible to:
  - 1. People who are authorized access by the federal, state, or local law or court order; and

2. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

E. **Access to Confidential Data on Individuals.** Confidential data is not accessible to the subject of the data but is accessible to:

1. People who are authorized access by federal, state, or local law or court order;
2. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

F. **Access to Protected Nonpublic Data not on Individuals.** Protected Nonpublic data not on individuals is accessible to:

1. People who are authorized access by federal, state, or local law or court order; and
2. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

G. **Summary Data.** Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or contain any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The Responsible Authority/Compliance Official or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Responsible Authority/Compliance Official or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This should be done within a reasonable amount of time after receiving the request. However, if the summary data cannot be prepared within 10 working days, the Responsible Authority/Compliance Official must notify the requester of the anticipated time schedule and the reasons for the delay. 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 City is not required to create summary data if it means creating new data from already public files that do not involve private or confidential data tracking.

The Responsible Authority/Compliance Official 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/Compliance Official determines that access by

this outside agency or person will not compromise the privacy of the private or confidential data.

H. **Juvenile Records.** The following applies to *private* (not confidential) data about people under the age of 18.

1. **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.
2. **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).
3. **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 writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:
  - a. Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
  - b. Whether denying access may protect the juvenile from physical or emotional harm,
  - c. Whether there is reasonable grounds to support the juvenile’s reasons, and
  - d. 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 city complies with all HIPPA requirements.

The responsible authority or designee may also deny parental access to health records without a request from the juvenile under Minnesota Statutes Section 144.335.

I. **Identification of Requesting Party.** Unless the data requested consists solely of public data, the Responsible Authority/Compliance Official or designee must verify the identity of the requesting party as a person entitled to access. 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 (when applicable), or other reasonable means.

#### **IV. Request for Data.**

- A. **Form of Request.** Any request for data must be made in writing on the form provided by the City. The form can be presented to the City in person or mailed to the business address of the Responsible Authority/Compliance Official. All requests must be presented in the form provided by this policy, the City will not respond to data requests presented in emails, by telephone or by fax.
- B. **Time Limit.** Except as required by law, all data requests will be responded to in a reasonable amount of time. If the request cannot be filled within 30 days the City will notify the person who requested the information and inform them of the approximate amount of time it will take to complete the request. The 30 day time period will begin when the City receives the Request. Requests will be received and processed only during normal business hours.
- C. **Fees.** Except as provided below, Minnesota Statute, Chapter 13, Section 13.03, subdivision 3, authorizes the City to charge a fee to recover our costs to provide data including, but not limited to, costs associated with searching, compiling, copying, mailing or otherwise shipping the data. Additionally, the same statute allows us to charge a reasonable fee for data with a commercial value. Fees may differ for requested data stored in our computer systems than for data stored in our paper records. Charges for one or the other, or both, may apply to your data request. A written estimate of the charges can be provided upon request, either by fax, regular mail or email. The City requires prepayment of all data request fees prior to shipping the material and will not bill for data request services, except in very special circumstances involving extensive data research. In such cases, an estimate for a down payment must be prepaid prior to City starting the work on your data request. The City's fees regarding Data Practices Act request shall be contained in the City's Fee Ordinance.

The City recognizes that the Data Practices Act does not permit the reimbursement of the following costs: copying costs for the first 100 pages; administrative costs unrelated to copying; cost for simply inspecting, accessing or viewing data; overhead costs; purchase, maintenance or normal operating expenses of a copier, printer or computer; records storage; sales tax; staff time required to separate public from not public data; and staff time required to provide information about the data to the requester (explain the content and meaning of data).

- D. **Denial of Request.** If the Responsible Authority/Compliance Official or designee determines that the requested data is not accessible to the requesting party, the Responsible Authority/Compliance Official or designee must inform the

requesting party in writing as soon as possible after the determination is made. The Responsible Authority/Compliance Official or designee must give the specific legal authority for withholding the data.

**V. Collection of Data on Individuals.** 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, public utilities commission, economic development authority, or federal government. When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a Tennesen warning. This warning must contain the following:

1. The purpose and intended use of the requested data;
2. Whether the individual may refuse or is legally required to supply the requested data;
3. Any known consequences from supplying or refusing to supply the information; and
4. The identity of other persons or entities authorized by state or federal law to receive the data.

A Tennesen warning is not required when an individual is requested to supply investigative data to a law enforcement officer. A Tennesen warning may be on a separate form or may be incorporated into the form that requests the private or confidential data.

**VI. Challenge to Responsible Authority/Compliance Official.** Any individual who is dissatisfied with the Responsible Authority/Compliance Official's action may file a complaint with the Office of Administrative Hearings using the procedures under Minnesota Statutes Chapter 14.

**VII. 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 city. The individual must notify the city's responsible authority 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 Commissioner 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.

**VIII. Data Protection.**

**A. Accuracy and Currency of Data.**

1. All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate staff person, 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.
2. 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.
3. All records must be disposed of according to the city's records retention schedule.

**B. Data Safeguards.**

1. Private and confidential information 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.
2. Private and confidential data must be kept only in city offices, except when necessary for city business.
3. Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private or confidential information. These employees will be instructed to:
  - a. Not discuss, disclose, or otherwise release private or confidential data to city employees whose job responsibilities do not require access to the data;
  - b. Not leave private or confidential data where non-authorized individuals might see it; and
  - c. Shred private or confidential data before discarding.
4. When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act.

**IX. Other laws versus policy.** There are also many miscellaneous federal laws, state laws, court orders, or other legally binding documents not listed. Each individual case may need to be reviewed for applicable statutes and rules. If an instance arises where the applicable federal laws, state laws, court order, or other legally binding document in place at that time differs from this policy the preceding will rule how the situation is handled.

**CITY OF BALDWIN**  
**DATA REQUEST FORM**

All Data Requests will be addressed pursuant to the Minnesota Data Practices Act and the City of Baldwin's Data Practices Policy. Please refer to the City's Policy for information on what can be requested and possible charges for requests.

PLEASE NOTE: If you are seeking public information, we cannot require you to provide your name or address. However, if you are the subject of the data seeking private data, we can require that you provide proof of identity showing that you are entitled to the data.

Date of Request: \_\_\_\_\_

Requestor Name: \_\_\_\_\_

Address where you want Data Sent or Viewed: \_\_\_\_\_  
\_\_\_\_\_

Phone Number if you want to be called when Data is ready: \_\_\_\_\_

Description of Data Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requestor Signature (only if need proof of identity to release data):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

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City Employee addressing request: \_\_\_\_\_

Type of Data Requested: \_\_\_\_\_

Amount Charged for Data: \_\_\_\_\_

Date Charges Paid: \_\_\_\_\_

Date Data Provided: \_\_\_\_\_

