

CITY OF TWO HARBORS

CITY HALL

**MINNESOTA GOVERNMENT DATA PRACTICES
ACT PROCEDURES**

I. Introduction.

These procedures are adopted to comply with the requirements of the Minnesota Government Data Practices Act (the "MGDPA"), specifically Minnesota Statutes Chapter 13.

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 and data practices compliance official under the Act is the City Administrator. The data practices compliance official is the City employee to whom persons may direct questions or concerns regarding problems in obtaining access to information. The responsible authority has designated certain other City employees to assist in complying with the Act. These designees are listed on attached Exhibit 1. The responsible authority or designee must complete the relevant portions of this form.

As the responsible authority the City Administrator is also responsible for answering questions, concerns, or complaints regarding problems in obtaining access to information.

III. Requests for Data.

A. Form of Request.

Request. The request for data must be written. A City of Two Harbors Information Disclosure Request Form ("MGDPA Request Form"), must be completed, attached hereto as Exhibit 2, and sent to the responsible authority or designee 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.

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.

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.

Responses may be emailed to the 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.

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 is requested 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 policy attached hereto 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.

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.
- Data on customers of municipal utilities are private data on individuals or nonpublic data, but utility data may be released to charitable organizations when consent is given by the individual on the form attached as Exhibit 4A.
- 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 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.

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 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 Tennessee Warning – Juvenile, attached hereto as Exhibit 6, or a form reasonably similar, must be completed when the 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, pursuant to Minnesota Statutes Section 13.384, Subdivision 3. 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 are reasonable grounds to support the juvenile’s reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Section 144.346. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

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.
- People about whom the data 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:

- 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 have 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 make a request, in writing, for 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.

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 City employee requesting the information must give the individual a *Tennesen* 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 *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 which requests the private or confidential data. See attached Exhibit 5.

VIII. Complaints

An individual may file a complaint alleging a violation of the MGDPA with the district court pursuant to Minnesota Statutes 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.

IX. Challenges 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

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.

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, 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 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 information. 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 information, the contracting party will be required to use and disseminate the information consistent with the MGDPA. The City may include in a written contract the language contained in Exhibit 7.

C. Investigation of Data Breaches.

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, if City Hall 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 City Administrator shall conduct a comprehensive security assessment of any personal information maintained by City Hall.

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 City Hall employee.

F. Not Public Data.

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

XI. Data Inventory.

An inventory of the types of data classified as not public data maintained by City Hall as is required pursuant to Minnesota Statutes § 13.025, as it may be amended from time to time, is attached hereto as Exhibit 8.

XII. 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 City.

Revised --/2020

EXHIBIT 1

Patricia Nordean

EXHIBIT 2

CITY OF TWO HARBORS
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.*

EXHIBIT 3

Policy for Fees for Providing Copies of Public Government Data

Minnesota Statutes, section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, the Responsible Authority for the government entity may require the requester to pay a fee.

Below are the two methods of calculating 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 101 or more pages of black and white legal-size paper.

If a fee for responding to a data request as calculated below is less than \$15.00, 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.

Acceptable forms of payment include:

- Credit and debit cards,
- Cash,
- Money orders, and other forms of direct money transfers.

Unacceptable forms of payment include:

- Personal checks.

Fee Calculation Method I

If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, the City of Two Harbors may charge a per-page fee of not more than 25 cents for each page copied and 50 cents for a two-sided copy. The City is authorized to charge *only* the per-page fee and *cannot* require the requester to pay *any* of the actual 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.

Copies of DVD's are \$15.00.

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 City 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

If 101 or more pages of black and white, letter or legal size paper copies are requested, the City 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 ([Minnesota Statutes, Section 13.03, Subdivision 3c](#)). Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The City 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.

A. Costs that May be Included in the Calculation of Actual Costs:

◆ Staff time required to:

- Retrieve documents and/or data which are responsive to the request.
- Sort and label documents, if necessary to identify the data to be copied.
- Remove staples or paper clips.
- Take documents to copier for copying documents.

Notes: The City 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 City in charging for staff time.

- ◆ Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)
- ◆ If the data is electronically stored, the time required to electronically organize, compile, and label the data responsive to the request.
- ◆ Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data.
- ◆ Mailing costs

♦ Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the City 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

B. 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 City 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

♦ Search and retrieval costs when data are inspected but no copies are requested

EXHIBIT 4

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Two Harbors ("City") to release the following private data about me:

to the following person or entity:

The person or entity 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 or releasing data pursuant to this consent.

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: _____
- ☐ Identification Driver's License, State ID, Passport, other: _____
- ☐ Comparison with signature on file
- ☐ Other: _____
- Responsible Authority/Designee: _____

EXHIBIT 4A

CONSENT TO RELEASE PRIVATE DATA TO CHARITABLE ORGANIZATIONS

I, _____, authorize the City of Two Harbors ("City") to release the following private data about me: municipal utility data.

To the following person or entity: any charitable organization.

The person or entity receiving the private data may use it only for the following purpose or purposes: to assist in the payment of municipal utility bills.

This authorization is valid for one year from the date of the authorization, and may be revoked by the individual at any time.

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 consent.

Print Name

Signature

Date

IDENTITY VERIFIED BY:

- ☐ Witness: _____
☐ Identification Driver's License, State ID, Passport, other: _____
☐ Comparison with signature on file
☐ Other: _____
Responsible Authority/Designee: _____

EXHIBIT 5

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)

EXHIBIT 6

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

EXHIBIT 7

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.

EXHIBIT 8

DATA INVENTORY

This is an inventory of not public data categories and classifications at the City of Two Harbors City Hall. All other data is presumed public.

Not public data are only accessible to Two Harbors City Hall Staff and attorneys ("City Hall Staff") whose work assignments reasonably require access to that data.

City of Two Harbors
522 1st Avenue
Two Harbors, MN 55616

Responsible Authority & Data Practices Compliance Official: City Administrator.

Category of Data:

Computer Data

Electronic access data may be classified as private and/or non-public pursuant to Minnesota Statute § 13.15.

Employee Work Access: All City Hall Staff.

Labor Relations Information

Management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration are classified as private and or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, and HR Director.

Bids, Proposals, Sealed Bids

Data contained in bids, proposal, and sealed bid may be private and/or nonpublic pursuant to Minnesota Statutes §§ 13.37 and 13.591.

Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, and HR Director.

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: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, and HR Director.

Trade Secret Data

Trade secret data is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, and HR Director.

Civil Investigative Data

Data collected by a government entity as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as nonpublic data and/or confidential pursuant to Minnesota Statutes § 13.39.

Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, and HR Director.

Property Data

Identities of individuals that register complaints concerning the use of real property are classified as confidential and certain appraisal data may be classified as private, confidential, or protected non-public pursuant to Minnesota Statutes § 13.44. Certain assessment data may be classified as private or nonpublic pursuant to Minnesota Statutes § 13.51.

Employee Work Access: All City Hall Staff.

Personnel Data

Data on current and former employees, applicants, or volunteers are or may be classified as private pursuant to Minnesota Statutes §§ 13.43, 13.601, 13.63, and 181.954

Employee Work Access: Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, HR Director, and Payroll 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: Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, and HR Director.

Social Security Numbers

Social security numbers are classified as private data pursuant to Minnesota Statutes § 13.355.

Employee Work Access: Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, HR Director, and Payroll Staff.

Internal Auditing Data

Internal auditing data are classified as confidential and/or nonpublic pursuant to Minnesota Statutes § 13.392.

Employee Work Access: All City Hall Staff.

Business Data

Data from a business requesting financial assistance or a benefit financed by public funds are

classified as private or non-public data pursuant to Minnesota Statutes § 13.591.
Employee Work Access: All City Hall Staff.

Registered Voter Lists /Absentee Ballots

Sealed absentee ballots before opening by an election judge are Protected Nonpublic.
Names of voters submitting absentee ballots are Private until the close of voting. Certain data regarding on registered voter lists are private pursuant to Minnesota Statutes § 13.37
Employee Work Access: All City Hall 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: Employee Work Access: City Administrator, City Clerk, Confidential Administrative Secretary, Finance Director, and HR Director.

Elected Officials Correspondence

Correspondence between individuals and elected officials is Private Data, but may be made public by either the author or any recipient pursuant to Minnesota Statutes § 13.601.
Employee Work Access: All City Hall Staff.

Federal Contracts Data

To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City is classified as private or nonpublic pursuant to Minnesota Statutes § 13.35.
Employee Work Access: All City Hall Staff.

Social Recreation Data

Certain data regarding individuals enrolling in recreational or social programs are Private Data pursuant to Minnesota Statutes § 13.548.
Employee Work Access: All City Hall Staff.

Planning Survey Data

Certain data collected in surveys of individuals conducted by the City for the purpose of planning, development and redevelopment are classified as private or nonpublic pursuant to Minnesota Statutes § 13.59.
Employee Work Access: All City Hall Staff.

Auditing Data

Data, notes, and preliminary drafts of audit reports are Protected Nonpublic or Confidential until the final report has been published pursuant to Minnesota Statutes § 13.292.
Employee Work Access: All City Hall Staff.

City Attorney Data

Data collected or created by the City Attorney may be classified as private, confidential, and/or non-public and is governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, professional responsibility, and Minnesota Statutes § 13.393.

Employee Work Access: All City Hall Staff.

Utility Data

Data collected on customers of municipal electric utilities are classified as private and/or nonpublic data pursuant to Minnesota Statutes Section 13.685.

Employee Work Access: All City Hall Staff.

EXHIBIT 9

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