

# **MID-MINNESOTA DEVELOPMENT COMMISSION**

## **POLICY FOR PUBLIC ACCESS TO DATA**

### **Introduction**

Chapter 13 of the Minnesota Statutes, the Minnesota Government Data Practices Act (MGDPA), regulates the collection, creation, storage, maintenance, dissemination and access to government data in state agencies, statewide systems, and political subdivisions. It establishes a presumption that government data are generally public and are accessible by the public for both inspection and copying unless there is a federal law, state statute, or temporary classification of data providing that certain data are not public.

Data is classified into one of several categories which determine whether data is available to the public or whether disclosure of the data is limited. All public data is available to any member of the public for inspection and copying. Individuals also may have access, under certain circumstances, to certain nonpublic data, such as private data about themselves, and a valid release enables access to certain other non-public data.

The Mid-Minnesota Development Commission (MMDC) adheres to the following data access rights and requesting procedures, pursuant to Section 13.03 of the Act.

### **I. Responsible Authority and Data Practices Compliance Official**

The person who is the Responsible Authority for the MMDC under the MGDPA is the MMDC Executive Director. All MGDPA requests must be submitted to the Responsible Authority or a designee who will then respond to the MGDPA request. The Responsible Authority is also the data practices compliance official for MMDC and is responsible for answering questions, concerns, or complaints regarding problems in obtaining access to MMDC data. A list of the names of the Responsible Authority and designees is attached hereto as Exhibit 6.

### **II. Requests for Data**

#### **A. Form of Request**

When an individual wishes to request data from MMDC, an MMDC Data Request Form must be completed and sent to MMDC's Responsible Authority in writing, by mail or email. The MMDC Data Request Form can be found on the MMDC's website ([mmrdc.org](http://mmrdc.org)), on the same page as this policy. An individual is not legally required to provide his/her name on the Data Request Form; however, the burden is then on the individual to check with the Responsible Authority or designee on the status of the data request.

#### **B. Response**

The Responsible Authority or the designee will then respond to the MGDPA request. Responses will be in writing on the Data 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 in electronic format, then it may be provided in that medium. This does not mean, however, that the MMDC will provide the data in an electronic format or program that is different from what MMDC has.

Data Request Forms and responses which have been emailed, 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 MMDC's records retention schedule.

### **C. Time Limits.**

**Requests:** MGDPA requests will be received, processed, and responded to 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, pursuant to Minnesota Statutes Section 13.04, Subd. 3.

### **D. Fees:**

Fees will be charged according to the MMDC's Fee Policy attached as Exhibit 1, which has been developed pursuant to the MGDPA.

### **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, 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.

## **III. 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 2, 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 3, or a form reasonably similar, must be completed when such information is requested.
- People within the MMDC 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 MMDC 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 MMDC has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be allowed to inspect private data – which they have access too for one of the reasons listed in III.A. above – or public 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 use of the Clarification of Identity Form found on MMDC's website on the same page as this policy, personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in MMDC 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.

# **IV. 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 2, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the subject was advised at the time the data was collected. A Tennessee Warning, attached as Exhibit 3, or a form reasonably similar, must be completed when information is requested.
- People within MMDC 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 MMDC 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 use of the Clarification of Identity Form found on MMDC's website on the same page as this policy, personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in MMDC records, or other reasonable means.

## **V. 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 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 2, 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 Tennessean Warning, attached as Exhibit 3, or a form reasonably similar, must be completed when information is requested.
- People within MMDC 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 MMDC 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 use of the Clarification of Identity Form found on MMDC's website on the same page as this policy, personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in MMDC records, or other reasonable means.

## **VI. Challenge to Data Accuracy.**

An individual may request to view all public and private data MMDC maintains about that individual. If that individual believes there are errors, they may contest the accuracy or completeness of that data maintained by MMDC. The individual must notify the Responsible Authority in writing describing the nature of the disagreement.

The Responsible Authority must respond to the individual within thirty (30) days, and state whether the Responsible Authority agrees completely, in part, or with none of the challenge. If the Responsible Authority agrees, then MMDC must make the changes the individual requested and try to notify anyone who has received the data in the past, including anyone the individual names.

If the Responsible Authority does not agree with all or part of the challenge, then the individual may appeal the decision to the Commissioner of the Minnesota Department of Administration. If MMDC told the individual of its right to appeal, then the individual must do so within sixty (60) days, if not, then within one hundred and eighty (180) days. The individual must send the appeal in writing to the Commissioner of Administration, State of Minnesota, 201 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155.

## **VII. 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.

## **VIII. 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, 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 MMDC'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 MMDC offices, except when necessary for MMDC 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:

- not discuss, disclose, or otherwise release not public data to MMDC 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 MMDC 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 Responsible Authority shall conduct a comprehensive security assessment of any personal information maintained by MMDC.

#### **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 MMDC 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 MMDC as is required pursuant to Minnesota Statutes 13.025, as it may be amended from time to time, is attached hereto as Exhibit 4.

#### **XI. Copyrighted Data.**

Certain data may be protected under the copyright laws of the United States. Copyrighted data may be shown to a requestor, but MMDC 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 5, or a form containing reasonably similar language, must be included at the beginning of any reproduction of any material made by MMDC.

## **EXHIBIT 1.**

### **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 \$5.00, 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.

#### **Fee Calculation Method I**

If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, MMDC 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 entity 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.

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 MMDC stores the data.

The entity 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 entity 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 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.)

MMDC 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 MMDC compiling the data. If this amount is in excess of the actual costs incurred by MMDC, 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 MMDC then the additional amount will be required to be paid before the data is released to the requestor.

**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.

Note: MMDC 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.)
- 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 entity 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

**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: MMDC 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 2.**

**CONSENT TO RELEASE PRIVATE DATA**

I, \_\_\_\_\_, authorize Mid-Minnesota Development Commission (MMDC) 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 MMDC, its agents and employees or 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: \_\_\_\_\_

Identification: Driver's License, State ID, Passport, Other: \_\_\_\_\_

Comparison with signature on file

Other: \_\_\_\_\_

Responsible Authority/Designee: \_\_\_\_\_

**EXHIBIT 3.**

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 4.**

### **DATA INVENTORY**

This is an inventory of private and nonpublic data categories and classifications at MMDC's offices. All other data are presumed public.

Not public data are only accessible to MMDC staff and attorneys ("MMDC Staff") whose work assignments reasonably require access to that data.

Mid-Minnesota Development Commission  
1700 Technology Dr NE  
Suite 300  
Willmar, MN 56201

Responsible Authority & Data Practices Compliance Official: MMDC Executive Director

#### **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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development 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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development 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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

##### **Trade Secret Data**

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

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development 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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development 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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

### **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: MMDC Executive Director, supervisor of employee in question

### **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: MMDC Executive Director, MMDC Finance Director/Office Manager,

### **Social Security Numbers**

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

Employee Work Access: MMDC Accountant, MMDC Finance Director/Office Manager

### **Internal Auditing Data**

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

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager

### **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: MMDC Executive Director, MMDC Finance Director, MMDC Economic Development Director

### **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: MMDC Executive Director, MMDC Finance Director/Office Manager

### **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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

### **Federal Contracts Data**

To the extent that a federal agency requires it as a condition for contracting with a regional agency, all government data collected and maintained by MMDC are classified as private or nonpublic pursuant to Minnesota Statutes § 13.35.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

### **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: MMDC Executive Director, MMDC Finance Director/Office Manager

### **Planning Survey Data**

Certain data collected in surveys of individuals conducted by MMDC for the purpose of planning, development and redevelopment are classified as private or nonpublic pursuant to Minnesota Statutes § 13.59.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director, MMDC Transportation Resource Coordinator

### **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: MMDC Executive Director, MMDC Finance Director/Office Manager

### **MMDC Attorney Data**

Data collected or created by an MMDC 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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

## **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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

## **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: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director



**EXHIBIT 5.**

**COPYRIGHT WARNING**

**The reproduction that follows may be protected under the copyright laws of the United States. The unauthorized reproduction or distribution of a copyrighted work is illegal.**

**Mid-Minnesota Development Commission owns the copyright to this recording and any copying is strictly prohibited.**

**© [Insert Year of Copyright] Mid-Minnesota Development Commission.**

**EXHIBIT 6.**

RESPONSIBLE AUTHORITY

Eric Day, MMDC Executive Director \_\_\_\_

DESIGNEE(S)

- \_ \_\_\_\_\_, MMDC Attorney
- \_ Sue Gimse, MMDC Finance Director/Office Manager
- \_ Les Nelson, MMDC Economic Development Director
- \_ \_\_\_\_\_, MMDC Community Development Director
- \_ Kate Selseth, MMDC Transportation Resource Coordinator