

# MINNETONKA PUBLIC SCHOOLS

---

## ACCESS AND DISSEMINATION #307 (COMPLIANCE WITH DATA PRACTICES ACT)

---

**1.0 POLICY STATEMENT** The purpose of this policy is to provide guidance to School District employees as to the data the School District collects and maintains and the permissible distribution of such data.

### **2.0 GENERAL STATEMENT OF POLICY**

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

2.2 All other data on individuals is private or confidential.

### **3.0 DEFINITIONS**

3.1 **Data** The term, data, when used in this policy, means government data. Government data are all data kept in any recorded form by government entities in the executive branch of government in Minnesota. As long as data are recorded in some way by a government entity, they are government data, no matter what physical form they are in, or how they are stored or used. Government data may be stored on paper forms/records/files, in electronic form, on audio or videotape, on charts, maps, etc.

3.2 **Public Data** Public data means that the data is available to anyone who requests it.

3.2 **Private Data** Private data means the data is available to the subject of the data and to School District staff who need it to conduct the business of the School District and to others outside the School District who are given access to the private data by state statute or federal law.

3.3 **Confidential Data** Confidential data means the data is not available to the subject and is accessible only by authorized staff of the School District and to others outside the School District who are given access to the private data by state statute or federal law.

3.4 **Personnel Data** Personnel Data means data on individuals collected because they are or were employees of the School District, or is or were applicants for employment, volunteers for the School District, or is a member of or applicant for an advisory board or commission.

3.5 **Educational Data** Educational Data means those records which: (1) are directly related to a student; and (2) are maintained by the School District or by a party acting for the School District.

3.6 **Not Public Data** Not public data means data on individuals that is private or confidential or data not on individuals that are non-public or protected non-public as classified by state or federal law.

#### **4.0 RESPONSIBLE AUTHORITY DATA PRACTICES COMPLIANCE OFFICIAL**

The School District has designated Superintendent of Schools as the authority responsible for the maintenance and security of School District records and the Assistant Superintendent for Human Resources as the data practices compliance official to whom one may direct questions or concerns regarding obtaining access to data, rights of subjects of data or other data practices matters. Questions regarding School District data privacy practices and procedures should be directed to the Assistant Superintendent for Human Resources.

4.1 The School District will name additional data practices designees and post those names annually.

4.2 The responsible authority will establish procedures to ensure that the district responds promptly to requests for government data.

#### **5.0 DATA PRIVACY COMPLIANCE TRAINING**

5.1 The School District shall review annually and revise, as necessary, its policies, practices, procedures and notices with respect to the privacy and protection of educational and personnel records as well as public access procedures. Copies of these policies, procedures and notices shall be distributed to all School District employees on an annual basis or by giving notice to employees and making this information available on the web page.

5.2 The School District shall determine annually the need to provide training to School District personnel who respond to requests for data and/or are provided with access to public, private and/or confidential personnel and/or educational data. Such training shall be provided to those individuals determined to have a need for such training.

#### **6.0 RECORDS MANAGEMENT**

6.1 The School District shall review annually the administration of data practices, and develop an annual plan to assure compliance with law and policy and improve procedures as necessary.

6.2 The School District shall dispose of and transfer records in accordance with statutory procedures.

6.3 The School District shall modify data collection and maintenance procedures to eliminate unnecessary data.

## **7.0 COMPLIANCE**

7.1 The School District shall require private sector contractors to comply with Minnesota Government Data Practices Act as if it were a government entity when such contractors perform functions that involve collecting, creating, receiving, maintaining or disseminating data.

7.2 The School District shall not share not public data with another entity unless required or permitted by state statute or federal law.

***Legal References:*** 20 U.S.C. Sec. 1232g et. Seq. (Family Educational Rights and Privacy Act)  
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Rules Pts. 1205.0100-1205.2000

***Adopted 5/1/2008***