



COLUMBIA HEIGHTS POLICE DEPARTMENT POLICY MANUAL

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| TITLE: DATA PRACTICES PLAN | GENERAL ORDER NUMBER: 900 |
| REFERENCES: M.S. §§ 121A.28, 611A.56, 260B; Chapter 13; Minnesota Rules, Chapter 1205 | EFFECTIVE DATE: 06/01/2016 |
| REVIEW DATE: 01/01/2019 | DISTRIBUTION: A |

The purpose of this General Order is to develop policy and procedure as required by Minnesota Statutes, Chapter 13, Minnesota Government Data Practices Act; and Chapter 1205.1500, of the Minnesota Rules, Department of Administration, Data Practices Rules. It is the intent of the Columbia Heights Police Department to comply with all laws and rules regarding government data, and to conduct its operation efficiently and effectively regarding the data it collects, stores, and disseminates.

900:1 Responsible Authority

The *responsible authority* for the Columbia Heights Police Department is the City Manager. The City Manager has delegated this position regarding Police Department data to the Chief of Police. The Chief of Police, by virtue of inclusion in the job description, has delegated the “Responsible Authority” position to the Police Office Supervisor.

900:2 Scope of Responsible Authority

The Office Supervisor assumes the following *responsible authority* duties:

900:2-1

Formulate and publish a data practices plan, and reevaluate the plan as necessary to ensure that it is up to date and correct.

900:2-2

Provide internal controls and reviews to ensure that data collected, stored, and disseminated by the Department is accurate, complete, and current.

900:2-3

Prepare a list of all data collected, stored, used, or disseminated by the Department, and ensure that said list is available to the general public upon request.

900:2-4

Review annually the list of data to ensure that its collection is necessary to carry out the lawful function of the Department, and that the data is retained in accordance with Minnesota Statutes.

900:2-5

Dispose of and archive data in accordance with the Records Management Act, Minnesota Statutes § 1205.1500 B.

900:2-6

In coordination with the training unit, annually prepare, conduct, or facilitate training of Department staff in Minnesota Statutes, Chapter 13, regarding Minnesota Government Data Practices Act.

900:2-7

Develop rules to ensure that *private* and *confidential* data is not used or disseminated unless specifically authorized by statute, or in

the case of *private* data to the subject(s) of the data, or to persons who have received the subject's informed consent.

900:2-8

Develop rules to prepare *summary* data from *confidential* and *private* data upon request.

900:2-9

Include data access procedures in the data practices plan, which also include the rights of the subjects of data (Minnesota Statutes § 13.04).

900:2-10

Evaluate and approve, when necessary, requests for *not public* data received from other governmental agencies.

900:2-11

Pursuant to the Minnesota Government Data Practices Act (Chapter 13), determine the classification of data, and what state or federal law supports such determination.

900:2-12

Review and identify all types of data maintained by the Department, and what data is active or inactive.

900:2-13

Recommend appropriate fee structure for data to the chief.

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| 900:3 Public Data |
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900:31 Public Data

Public data is all data collected, created, received, maintained, or disseminated by the Columbia Heights Police Department that is not classified by statute, temporary classification pursuant to Minnesota Statutes § 13.06, or federal law as *non-public* or *protected non-public*; or with respect to data on individuals as *private* or *confidential*.

900:32 Access to Public Data

Public data can be requested by presenting an in-person request at the reception area of the Columbia Heights Police Department.

900:321

Requests for *public* data may also be accepted in writing via letter, fax, or e-mail.

900:33 Requests for Public Data

Requests for *public* data shall be processed, and the eligible data provided, as soon as possible upon receipt and processing of the request. A reasonable response time shall be maintained with the amount of time governed by issues such as:

- Determination by the *responsible authority* (in some cases) of the classification of the data requested;
- Redaction or summarization of the data as may be required;
- Location (off-site or on-site) or storage medium (fiche, microfilm, computer) of the data requested.

900:34 Initial Contact Reports (ICRs)

Police reports (otherwise known as Initial Contact Reports or ICRs) may not be available for five (5) business days. This is to allow for report preparation, transcription, data processing, and filing time.

900:35 Certain Types of Public Data

Receiving personnel may approve certain types of *public* data for release or access on dates and at times other than as specified in section 900:32 of this General Order. These types of *public* data shall be listed and posted by the *responsible authority*. Questions or disputes shall be referred to the *responsible authority*.

900:36 Data Request Form

A Data Request Form shall be filed in the "Completed Request for Information" folder.

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| 900:4 Private Data |
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900:41 Private Data

Private data is data on individuals that is made by statute or federal law *not public*, and is accessible to the individual subject of that data.

900:42 Requests for Access to Private Data

Requests for access to *private* data shall be forwarded to the *responsible authority*, and only the *responsible authority* shall officially receive and approve/disprove requests to access *private* data.

900:421

If the *responsible authority* or designee is to be absent for an extended period of time (over five business days), the responsibilities are to be delegated to Chief of Police or Captain.

900:422

Notice of this delegation is to be made in writing, and appropriately posted.

900:43 Access to Private Data

The following shall have access to *private* data:

- The subject(s) of the data;
- Columbia Heights Police Department employees whose work assignments require access;
- Other governmental agencies and entities who are authorized by state statute or federal law to access *private* data;
- Attorneys, legal representatives, and agents of the Columbia Heights Police Department who have a documented need in response to a current or pending legal action (either civil or criminal);
- Individuals or entities given specific written and signed authority by the subject(s) of the *private* data.

900:44 Requests for Private Data

Requests for *private* data shall be received and processed as defined in section 900:33 of this General Order.

900:441 In-Person Requests

In-person requests by the data subject(s) require a confirmation of their identities prior to access to said data. Confirmation can be in the form of:

- Driver's license or state identification card;
- Picture identification from a known institution;
- Verification of identity by a reliable third party.

900:442 Written Requests for Private Data

Written requests for *private* data by the data subject(s) must bear original signatures; and if submitted by mail, must be notarized.

900:443 Written Authorizations for**Third Party Access to Private Data**

Written authorizations for third party access to *private* data shall bear the original signature(s) of the subject(s), and must be either notarized or witnessed. The third party being given authorization to the *private* data must be specifically identified. The *private* data to which authority to access is being given must be specifically identified. Persons presenting authorization forms from data subjects are to be identified as specified in 900:441 of this General Order.

900:45 Written Records Required When Private Data is Accessed

A written record shall be made when *private* data is accessed by the subject(s), or their authorized agents. The written request will be filed in the "Completed Request for Information" folder.

900:46 Processing Requests for Private Data

Upon receipt by the *responsible authority* or designee, requests for *private* data shall be processed immediately, when possible. If circumstances do not allow for immediate processing or access to the data by the subject, access shall be given within ten (10) business days.

900:47 Denied Requests for Access to Private Data

Requests for access to *private* data that are denied shall be given the reason(s) orally at the time of the request, and the statutory or federal law basis for this decision.

900:471

The person being denied access can request a written justification for the denial. The *responsible authority* or designee shall then provide in writing that the request was denied, and the statutory basis or federal law that the denial was based upon.

900:472 Peace Officer Discipline and Procedures

The Peace Officer Discipline and Procedures Act, Minnesota Statute 626.89, Subdivision 5, requires that a peace officer be provided a signed written complaint and summary of allegations prior to the taking of any formal statement from said officer. This complaint and summary may contain “Private” data and therefore must be maintained and disseminated in accordance with applicable Minnesota state law and this plan.

900:5 Confidential Data**900:51 Confidential Data**

Confidential data is data on individuals that is made *not public* by statute or federal law applicable to the data, and is inaccessible to the individual subject of that data.

900:52 Access to Confidential Data

The following may have access to *confidential* data:

- Columbia Heights Police Department employees, or agents whose work assignment or responsibilities reasonably require access;
- Entities and agencies authorized by Minnesota statutes or federal law to access that specific data.

900:53 Requests For Confidential Data

Requests to access *confidential* data shall be received as detailed in 900.31 of this General Order.

900:531

Requests to access *confidential* data shall be processed as detailed in 900:33 of this General Order.

900:533

Confidential data shall not be disclosed to the subject of said data, or to anyone else not authorized by Minnesota statute or federal law.

900:534

The subject of *confidential* data shall be informed upon receipt of their written request whether or not *confidential* data is retained on them. A copy of this request shall be attached to the *confidential* data.

900:54 Peace Officer Discipline and Procedures

The Peace Officer Discipline and Procedures Act, Minnesota Statute 626.89, Subdivision 5, requires that a peace officer be provided a signed written complaint and summary of allegations prior to the taking of any formal statement from said officer. This complaint and summary may contain “Confidential” data and therefore must be maintained and disseminated in accordance with applicable Minnesota state law and this plan.

900:6 Juvenile Data**900:61 Peace Officer Records of Juveniles**

The Columbia Heights Police Department only maintains peace officer records of juveniles as defined in Minnesota Statutes, Chapter 260B.

900:62 Access to Peace Officer’s Records Concerning Juveniles

Access to peace officers’ records concerning juveniles is governed by Minnesota Statutes § 260B.171, Subdivision 5.

900:621

Access to juvenile records may be made as follows:

- By order of the juvenile court;
- As required by Minnesota Statutes § 121A.28 (drug incident data to the juvenile's school);
- As authorized under Minnesota Statutes § 13.82, Subdivision 2 (arrest data minus name, age, and address);
- To the juvenile, or the juvenile's parent(s) or guardian, unless disclosure of the record would interfere with an ongoing investigation.

900:622

Traffic accident reports that include juvenile names may be accessed and released to:

- A local social service agency upon request; or
- An attorney representing the child in a proceeding under Minnesota Statutes § 260B, Subdivision 6.

However, that the names of juveniles charged or cited with law or ordinance violations related to the accident must be removed or redacted.

900:63 Misdemeanor Offense to Release or Discuss Contents of Juvenile Records

It is a misdemeanor offense to release or discuss the contents of a juvenile record other than as provided by Minnesota Statutes.

900:64 Requests to Access Juvenile Records

Requests to access juvenile case records, other than as authorized as outlined in section 900:62 of this General Order shall be denied by receiving office personnel.

900:641

Requesters shall be informed of the reason for the denial and the statutory basis.

900:65 Standing Orders Regarding Release of Juvenile Data

The *responsible authority* or designee shall receive any standing orders from the juvenile court or county attorney regarding releasing of juvenile data. Said orders shall be maintained in the Data Practices Plan, and disseminated to appropriate departmental staff.

900:651

Copies of juvenile court orders releasing data shall be attached to the originals of all such data released.

900:7 Summary Data**900:71 Summary Data**

Summary data is statistical records derived from data on individuals, but in which individuals are not identified, and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.

900:72 Access to Summary Data

Persons wishing access to *summary* data must submit a written request to the *responsible authority*. This written request must contain the following:

- The precise nature and detail of the data desired;
- The date(s) or date range(s) to be searched;
- The purpose for which the *summary* data is being requested;
- Willingness to pay any reasonable costs and fees incurred to prepare and copy the *summary* data; and
- Written request signed and dated by the requester.

900:73 Procedures to Access Summary Data**900:731**

Requests for *summary* data shall only be received by the *responsible authority* or designee as defined in 900:33 of this General Order.

900:732

Requests received shall be checked for compliance with 900:72 of this General Order.

900:733

Requests missing information shall be returned to the requester noting what additions or changes are necessary.

900:734

Appropriate requests shall be processed by the *responsible authority* or designee with an acknowledgment sent to the requester. This shall be done within ten (10) working days of receipt of the request. This letter may contain any of the following:

- Estimated cost of providing the *summary* data requested;
- The *summary* data requested;
- The time schedule in which the *summary* data will be provided, and the reason(s) if the time to respond is over fifteen (15) working days;
- A schedule of dates and times the requester may come to the Columbia Heights Police Department to access *private* and *confidential* data so they can prepare the *summary* data themselves; or
- The reason(s) the request for *summary* data is being denied.

900:74 Preparing Summary Data

Names and other unique personal identifiers are to be redacted when preparing *summary* data.

900:8 Rights of Subjects of Data**900:81 Investigation Interview Advisory**

Individuals asked to supply either *confidential* or *private* data concerning them shall be given the Investigation Interview Advisory as specified in Minnesota Statutes § 13.04, Subdivision 2. This warning is not required when gathering information for police reports, criminal investigations, or ICRs.

900:82 The Right to Access Data

Individuals have the right to access data. Their request must be presented to the *responsible authority* or designee.

900:821

Access to *public* data is outlined in section 900:3 of this General Order.

900:822

Access to *private* data is outlined in section 900:4 of this General Order.

900:823

Access to *confidential* data is outlined in section 900:5 of this General Order.

900:83 Contesting Accuracy or**Completeness of Public or Private Data**

Individual subjects of data may contest the accuracy or completeness of *public* or *private* data on themselves. To do so, said individual shall notify the *responsible authority* or designee describing the nature of the disagreement. The *responsible authority* or designee shall within thirty (30) days:

- Correct the data found to be inaccurate and attempt to notify past recipients of said data, including those identified by the individual as recipients; or
- Notify the individual that the data is believed to be correct or complete.

900:84 Written Challenges

Written challenges to the accuracy or completeness of *public* or *private* data shall be attached to said data and released along with the data when accessed.

900:85 Decisions Regarding Accuracy and Completeness

Decisions regarding the accuracy and completeness of *public* and *private* data may be appealed by the subject to the Minnesota State Commissioner of Administration. Data successfully challenged by an individual shall be completed, corrected, or destroyed by the *responsible authority* or designee, and a copy

of the commissioner’s order attached to said data.

guilty of a misdemeanor. Willful violation of the chapter by any public employee constitutes just cause for suspension without pay or dismissal of the public employee."

900:9 Department Documents and Correspondence

Department Documents and Correspondence

Information in department documents and correspondence, to include any attachments, is government data and therefore subject to the Minnesota Government Data Practices Act. Said information may be subject to attorney-client or work product privilege, and may be confidential, privileged, proprietary, or otherwise protected. The unauthorized review, copying, or other disclosure of the information is strictly prohibited. Any documents, correspondence, copies of documents and correspondence to include but not limited to reports, memorandums, letters and other correspondence shall not be routed to any person for other than official department business without written approval by a supervisor.

900:92 Violations

Department staff shall pay special attention to the provisions contained in this General Order, and Minnesota Statutes, *Chapter 13*, Government Data Practices Act. Violations of either General Order 900 or Chapter 13 may result in disciplinary action in accordance with Department policy.

BY ORDER OF:
Scott Nadeau, Chief of Police

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900:10 Penalty Provisions

900:91 Minnesota Statutes, Section 13.09

Minnesota Statutes, Section 13.09 states, “*Any person who willfully violates provisions of this chapter (Government Data Practices Act) is*