

DEPARTMENT OF ADMINISTRATION

Personnel Data 101
Introduction to Personnel Data


Data Practices Office
2026

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Introductions

Please introduce yourself:

- Your name
- Your entity
- Your data practices role
- Any burning questions you would like to discuss this morning.

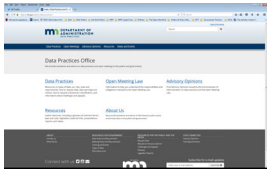


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Who we are and what we do

Data Practices Office

- Informal advice/technical assistance
- Commissioner of Administration advisory opinions
- Website and informational materials:
<https://mn.gov/admin/data-practices/>
- Listserv and newsletters
- Legislative assistance
- Training



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Agenda

Time	Topic
8:30	Welcome and introductions
8:45	Personnel Data Overview
10:00	Break
10:10	Redaction Exercise
10:40	Continue Personnel Data Overview
11:55	Final questions and complete evaluations
12:00	Workshop complete

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- ### Today's Objectives
- Review of Data Practices Act
 - Introduction to personnel data provisions and classification of personnel data
 - Public personnel data
 - Public applicant data
 - Additional considerations for sharing personnel data
 - Apply personnel data requirements in different situations

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Data Practices Basics Review

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Data Practices Laws

- **MN Government Data Practices Act, Ch. 13**
 - Presumes government data are public
 - Classifies data that are not public
 - Access rights for the public and data subjects
 - Data on individuals are accurate, complete, current, and secure
- **Official Records Act** requires preservation of all records necessary to a full and accurate knowledge of official activities
- **Records Management Statute** requires records retention schedules approved by records disposition panel
 - MN State Archives: <https://www.mnhs.org/preservation/state-archives>

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Government Data Defined

“All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.”

(Minn. Stat. § 13.02, subd. 7)



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What Do You Think #1

1. You email a candidate an invitation to interview for a position.
2. She accepts via email.
3. Email from an interview panelist saying they are running late.

How are these emails classified, and can you delete any of them right away?



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Classification of government data		
Classification	Meaning of classification	Examples
Public	Available to anyone for any reason	Employee name and salary
Private/Nonpublic	Available to: <ul style="list-style-type: none"> • Data subject • Those in the entity whose work assignment requires access • Entities authorized by law • Those authorized by data subject 	Employee home address and telephone number
Confidential/Protected nonpublic	Available to: <ul style="list-style-type: none"> • Those in the entity whose work assignment requires access • Entities authorized by law NOT available to the data subject	Data collected as part of an active civil legal action

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Tennessee Warning
(Minn. Stat. §13.04, subd. 2)

When collecting private or confidential data from an individual about that individual:

- State the purpose and intended use of data
- Inform the individual whether they may refuse or are legally required to provide the data
- Explain known consequences of supplying or refusing to supply the data
- Identify other persons or entities with statutory authority to access the data

- Examples: SSN, employee home address

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Informed Consent
(Minn. Stat. §13.05, subd. 4 & Minn. R. 1205.1400)

Informed consent is necessary when:

- The individual asks the entity to release private data to another entity or person
- The entity wants to release private data to another entity or person
- The data subject received a Tennessee warning, and the entity now wants to use or release the data in a different way

Informed consent must be in writing and cannot be coerced

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Other Data Practices Requirements

- Only collect and store data on individuals that you need to administer your programs
Minn. Stat. §13.05, subd. 3 and Minn. Rules part 1205.1500, subp. 4
- Ensure data you maintain on individuals are accurate, complete, current, and secure.
Minn. Stat. §13.05, subd. 5


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What Do You Think #2

Your department is running a voluntary program for employees to promote healthy eating and exercise; can you collect the participants' social security numbers?

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Personnel Data: Introduction

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Personnel Data Defined

“Government data on individuals maintained because an individual is or was an employee of a government entity, applicant for employment, volunteer, or independent contractor . . .”

Minn. Stat. § 13.43, subd. 1




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What Do You Think #3

Personnel data?

- A. Job posting for an administrative assistant
- B. Email from Data Practices Office staff to you about a copy cost question
- C. Resume
- D. Report on website design vendors with a staff member’s name on it



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Not Everything is Personnel Data

- Employee must be the identifiable subject of the data
- Consider:
 - Meeting notes
 - Reports
 - Correspondence about an official activity
- Some “personal” data

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Personal Data

- *Personal data* are data created by an employee acting outside their official capacity that fall within the scope of the entity's incidental use policies
- Personal data are not government data and are not subject to Ch. 13

See Advisory Opinions [01-075](#), [05-017](#), and [21-007](#).

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Personnel Data Classified

- Public presumption is **reversed**
- All personnel data are classified as **private** unless explicitly classified as public

Minn. Stat. § 13.43, subd. 4

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Public Personnel Data
Section 13.43, subd. 2

- Name
- Actual gross salary
- Terms and conditions of employment
- Value and nature of employer paid fringe benefits
- Basis amount of added remuneration, including expense reimbursement
- Education and training background and previous work experience
- Date of first and last employment

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Public Personnel Data, cont.

- Work location and a work telephone number
- Work-related continuing education
- Payroll time sheets *or* other comparable data that are *only used* to account for employee's work time for payroll purposes
 - Except if disclosure would reveal the employee's *reasons* for the use of sick or other medical leave or other not public data

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Public Disciplinary Data

- Existence and status of complaints or charges, regardless of disciplinary action
- Final disposition of any disciplinary action plus the specific reasons for and data documenting the basis of the action
- Complete terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement
 - The agreement must include specific reasons for the agreement if more than \$10,000

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What Do You Think #4

Your entity has signed a contract with the superintendent/city manager/county administrator/executive director.

A member of the public would like a copy of the contract.

Can the requester see it?



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Employment Contracts

- Terms and conditions of employment are public.
- Most, if not all, elements in an employment contract are likely public.
- Review the contract for any not public elements (e.g., identifying information about dependents)

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Photographs and Videos of Employees

- Is the employee the subject of the data?
 - If yes, then it is personnel data – photos and videos are not in § 13.43, subd. 2 = private data
 - If no, then it is not personnel data
 - Presumptively public, or
 - Could be classified by another provision depending on circumstances




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Morning break!

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Welcome back!

Who has questions?



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Redaction Exercise

Small group discussion

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Redaction

- Separate not public data from responsive data
- At the data element level
- Identity can be more than a name
- Provide specific citation in support of redaction
 - At data element level or at document level?



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Redaction Exercise

- Reintroduce yourselves and pick a spokesperson (or person farthest from St. Paul)
- Take 15 minutes to review, redact, and discuss with the group
- Assume this is for a **member of the public requester**

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Personnel Data Continued

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What do you think #5


- Government employees create and maintain various data as a part of their official tasks and duties.
 - Are all the data that an employee creates or maintains personnel data?
 - Are the data in personal email accounts and/or phones government data?



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Government Data on Personal Devices

- Employees can create government data on personal devices
- Employers might consider:
 - Policy on compliance with records retention and data requests
 - Policy on usage



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Data on Applicants

13.43, subd. 3

- Everything is private except:
 - Veteran status
 - Relevant test scores
 - Rank on eligible list
 - Job history
 - Education and training
 - Work availability
- Names are private until a finalist
 - Finalist = selected for interview by appointing authority
- Consider treatment of resumes



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Elected Officials

- Are elected officials “employees” covered by the personnel data section?
 - Entity determination
 - If not employees, data are presumptively public
 - Note Minn. Stat. §13.601
 - Unpublished MN Court of Appeals
 - *Krout v. City of Greenfield*, A11-1200, April 16, 2012
 - Confirms guidance in advisory opinions that entity should decide whether elected officials are employees

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Sharing with Unions

Minn. Stat. §13.43, subd. 6

- Entity must share data regardless of classification to:
 - Conduct elections
 - Investigative and process grievances
 - Implement Chapters 179 and 179A
 - Does not include social security numbers



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Sharing with Unions, Cont.

Minn. Stat. §13.43, subd. 6

- Entity must data share with labor organizations, the Public Employment Relations Board, and BMS per BMS or PERB order
- Union is not subject to liability under Minn. Stat. §13.08, but remedies under 325E.61 may apply



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Data Challenges

Minn. Stat. §13.04, subd. 4

- Data subjects have the right to challenge accuracy and completeness of data about themselves
 - Public or private data
 - Must be the data subject
 - Can challenge opinions and conclusions if based on incorrect facts
- RA must respond within 30 days
 - Correct data that are inaccurate/incomplete and notify past recipients of data; *OR*
 - Notify the data subject that the data are correct and inform of the right to appeal determination to Commissioner of Administration.

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Personnel Data and the Open Meeting Law

Minn. Stat. Chapter 13D

- No general personnel exception to close an open meeting. However:
 - **Must** close meetings to discuss preliminary consideration of allegations or charges about an individual subject to the body’s authority
 - **May** close meetings for performance evaluations of individuals subject to the public body’s authority

* For both closures, the individual being discussed may ask that the meeting be open to the public.

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Personnel Data & Open Meeting Law, cont.

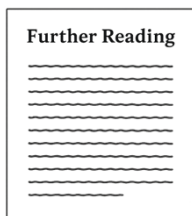
Minn. Stat. Chapter 13D

- Public bodies may discuss not public data in an open meeting without liability when:
 - The disclosure relates to a matter within the scope of the public body’s authority and
 - Is reasonably necessary to conduct the business or agenda item before the body
- Data retain original classification
 - However, a “record of the meeting” is public
 - Advisory Opinion 21-002

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Personnel Data Resources

- [Personnel Data Webinar Series from DPO](#)
- Personnel Redaction Workshop



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Questions?

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