

## Personnel Data

### What are personnel data?

Data Practices Act (Minnesota Statutes, Chapter 13) defines personnel data as data about current and former government employees, volunteers, and individual independent contractors. (See Minnesota Statutes, section 13.43, subdivision 1.)

### How are personnel data are classified?

Most personnel data are private. (See section 13.43, subdivisions 4). However, the following are types of personnel data that are public:

- An employee's name
- An employee's actual gross salary
- Salary range
- The value and nature of employer paid fringe benefits
- The basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary
- An employee's job title and job description
- The terms and conditions of the employment relationship
- An employee's education and training background and previous work experience
- An employee's work-related continuing education
- The existence and status of any complaints or charges against the employee even if the complaint or charge does not result in discipline
- The final disposition of discipline together with the specific reasons for the discipline and data that document the basis of the discipline
- An employee's work location
- An employee's work telephone number

## Data About Applicants

Data about applicants for employment are classified by section 13.43, subdivision 5. The following data about applicants are public:

- Veteran status
- Relevant test scores

- Rank eligible list
- Job history
- Education and training
- Work availability

The names of applicants are private unless and until an applicant becomes a finalist; at that point, the individual's name is public in connection with the data listed above. A "finalist" is someone who the appointing authority selects to be interviewed.

Additionally, for an employee who is a "public official" defined in section 13.43, subdivision 2(e), all data relating to a complaint or charge are public upon completion of the investigation (or if the public official resigns or is terminated while charges are pending).

## What other personnel data are public?

Listed below are links to some advisory opinions in which the Commissioner of Administration has determined that personnel data are public.

### Employee Compensation (section 13.43, subdivision 2(a)(1))

- All compensation data about public employees are public: Advisory Opinions [03-008](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267791) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267791>) and [08-023](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267490) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267490>).
- The dollar amount and a description of any amount of remuneration: Advisory Opinions [03-008](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267791) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267791>) and [08-029](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-266926) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-266926>).
- The dollar value of an employee's health insurance benefit as a "fringe benefit": Advisory Opinion [04-017](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267538) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267538>).

### Disciplinary Actions (section 13.43, subdivision 2(a)(5))

- Any data contained in letters, investigation notes and/or reports constituting "the final disposition of a disciplinary action" regardless of where the data reside: Advisory Opinion [02-051](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267989) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267989>).
- Specific reasons and data documenting the basis for the disciplinary action – no investigative data exceptions: Advisory Opinion [96-017](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267885) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267885>).
- Sexually explicit photos/films and descriptions of images contained on public computers when they are the basis for disciplinary action: Advisory Opinion [02-049](http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267650) (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267650>).

- Cell phone records of current or former employee when they are the basis for a final disciplinary action: Advisory Opinion 03-050 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267789>).
- A government entity's disciplinary action, final disposition and reasons for the action against an employee are public, regardless of whether the employee is an at will employee: Advisory Opinion 09-001 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-266968>).

## **Employee Background/education (section 13.43, subdivision 2(a)(2))**

- Dates/places appearing in the job histories and education/training backgrounds of the candidates for a government position, unless it identifies a candidate who is not a finalist: Advisory Opinion 94-022 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267737>).
- Specific institutions of learning attended and specific places of employment: Advisory Opinion 95-001 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267527>).

## **Other**

- Work-provided email addresses as part of employee's "work location": Advisory Opinion 97-049 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267322>).
- Videotapes of public events, even if they contain private data, because the data subjects have given consent to their release by participating in the events: Advisory Opinion 03-010 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267834>).
- Chapter 13 does not distinguish between "at will" and other employees. Data about "at will" employees are classified by section 13.43: Advisory Opinion 09-001 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-266968>).
- Finalists' names are public when applicants are selected to be interviewed, not when they agree to be interviewed: Advisory Opinion 10-006 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267537>).
- Data about elected officials may be classified as personnel data if an entity considers elected officials to be employees. If an entity does not consider elected officials to be employees, data about them are public pursuant to section 13.03, subdivision 1: Advisory Opinion 03-011 (<https://mn.gov/admin/data-practices/opinions/library/?id=36-267335>).
- Public employees who are subject to an incidental personal use policy may also create "personal data," which are not government data. Advisory Opinion 01-075 (<http://mn.gov/admin/data-practices/opinions/library/index.jsp?id=36-267561>).
- Government entities are required to disclose personnel data to labor unions in order to conduct elections, investigate and process grievances, and to implement the provisions of Minnesota Statutes Chapters 179 and 179A. (Minnesota Statutes sec. 13.43 subd. 6 (<https://www.revisor.mn.gov/statutes/cite/13.43>))