



**Data Practices Policy:
Ensuring the Security of Not Public Data**

**Adopted by City Council
November 15, 2021**

**Kelly K. Geistler
City Clerk**

Policy for Ensuring the Security of Not Public Data

Legal Requirement

The adoption of this policy by the Rochester City Council satisfies the requirement in Minnesota Statutes, section 13.05, subd. 5, to establish procedures ensuring appropriate access to not public data. By incorporating employee access to not public data in the City of Rochester's Data Inventory (required by Minnesota Statutes, section 13.025, subd. 1), in the individual employee's position description, or both, the City's policy limits access to not public data to employees whose work assignment reasonably requires access.

Please direct all questions regarding this policy to the City of Rochester's Responsible Authority:

Kelly K. Geistler, JD, MCMC

City Clerk

201 4th St SE, Room 135, Rochester, MN 55904-3742

Office Line: (507) 328-2900

Procedures implementing this policy

Data inventory

Under the requirement in Minnesota Statutes, section 13.025, subd. 1, the City of Rochester has prepared a Data Inventory which identifies and describes all not public data on individuals maintained by the City. To comply with the requirement in section 13.05, subd. 5, the City has also modified its Data Inventory to represent that only certain employees have access to not public data on an as-needed basis as part of a specific work assignment.

In the event of a temporary duty as assigned by a manager or supervisor, an employee may access certain not public data, for as long as the work is assigned to the employee.

In addition to the certain employees listed in the City's Data Inventory, the Responsible Authority, the Data Practices Compliance Official (DPCO), the City's Senior Leadership Team, and the City Attorney may have access to not public data maintained by the City, if necessary, for specified duties. Any access to not public data will be strictly limited to the data necessary to complete the work assignment.



Employee position descriptions

Position descriptions may contain provisions identifying any not public data accessible to the employee when a work assignment reasonably requires access.

Data sharing with authorized entities or individuals

State or federal law may authorize the sharing of not public data in specific circumstances. Not public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in applicable Tennessee warnings (see Minnesota Statutes, section 13.04) or the City will obtain the individual's informed consent. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law.

Ensuring that not public data are not accessed without a work assignment

Within the City of Rochester, departments may assign tasks by employee or by job classification. If a department maintains not public data that all employees within its division do not have a work assignment allowing access to the data, the department will ensure that the not public data are secure. This policy also applies to departments that share workspaces with other departments within the City where not public data are maintained.

Recommended actions for ensuring appropriate access include:

- Assigning appropriate security roles, limiting access to appropriate shared network drives, and implementing password protections for not public electronic data
- Password protecting employee computers and locking computers before leaving Workstations
- Securing not public data within locked workspaces and in locked file cabinets
- Shredding not public documents before disposing of them

Penalties for unlawfully accessing not public data

The City of Rochester will utilize the penalties for unlawful access to not public data as provided for in Minnesota Statutes, section 13.09, if necessary. Penalties include suspension, dismissal, or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge

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