



Red River Watershed Management Board

# RECORDS MANAGEMENT AND RETENTION POLICY

# Red River Watershed Management Board

## Records Management and Retention Policy

Adopted January 21, 2014

The Red River Watershed Management Board (RRWMB) Board of Managers adopts the following policy as part of its effort to ensure the sound administration of RRWMB business and continued focus of RRWMB resources on flood protection and improvement of the water resources with the RRWMB's jurisdiction.

Pursuant to Minnesota Statutes sections 15.17, subdivision 1, and 138.17, the RRWMB makes and preserves all records necessary to ensure a full and accurate accounting of the RRWMB's official activities. To facilitate effective management of its records, the RRWMB has adopted the attached updated records retention schedule, governing the retention and disposal of records created by the RRWMB.

In keeping with the direction of the Uniform Electronic Transactions Act, Minnesota Statutes chapter 325L, the RRWMB has determined that it will create, retain and store its records – current and historic – in electronic form to the greatest extent possible. Records may be transferred to the state archives in accordance with the approved Records Retention Schedule in hard-copy form. The RRWMB's records retention schedule includes indication of whether records will be retained in hard copy or electronic form. Conversion of historic documents will be conducted in compliance with the RRWMB's Records Retention Schedule, and will be completed in a manner that ensures that the RRWMB's data remain accessible for purposes of compliance with the Data Practices Act. Original documents providing the RRWMB with legal rights and obligations will continue to be retained in hard-copy form.

### SUBDIVISION 1 – DATA PRACTICES POLICY

#### Policies and Procedures for Public Access to Documents

Adopted August 17, 2004; Amended July 15, 2008, and January 21, 2014.  
Access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically protected by law where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Red River Watershed Management Board (RRWMB) recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the RRWMB to comply fully with the DPA and, where the DPA

allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to Sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which state that every public body shall establish procedures to implement the DPA. In addition, the RRWMB has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by the RRWMB and includes private or confidential data on individuals in compliance with section 13.025, subdivision 1. This policy is accompanied by a set of procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5, as well as a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects in compliance with section 13.025, subdivision 3.

#### Procedure for Review of RRWMB Documents

All requests to inspect or receive copies of RRWMB data, and all other inquiries regarding the DPA, must be in writing and sent by U.S. Mail, addressed to the "Data Practices Compliance Official," at the following address:

Red River Watershed Management Board  
PO Box 763  
Detroit Lakes, MN 56502-0763

The RRWMB Administrator is designated as the Data Practices Responsible Authority and Data Practices Compliance Official.

Requests to inspect or obtain copies of RRWMB data must be in writing to ensure that the RRWMB's response is timely and complete. The RRWMB will be able to most efficiently and completely respond to requests that are specific and detailed. In the case of an individual who wishes to inspect RRWMB data, the Data Practices Compliance Official will help to ensure that documents of interest have been gathered, that documents not subject to inspection have been segregated, and that someone is available to assist the requesting individual. The RRWMB will provide requested data for inspection at a public governmental building within the RRWMB's jurisdiction to be specified by the Data Practices Compliance Official. RRWMB files may not be removed from the place of inspection by anyone other than the RRWMB Compliance Official.

The DPA requires that individuals be permitted to inspect or copy data within a reasonable time of a request. The RRWMB will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request, the completeness and accuracy of the request, the need to separate public data from protected data, if any,

and the other matters requiring the attention of staff at the particular time.

If the RRWMB determines that certain data cannot be made available for inspection or copying, it will inform the individual of the classification of the data in question under the DPA and of the legal basis for denial of access. On the request of the individual, the RRWMB will certify in writing that the request has been denied and state the specific legal basis for denial.

The RRWMB may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, the availability of copying equipment, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data).

### Costs

There is no cost to inspect documents. If document copies are requested, the requesting individual will be charged 25 cents per page for up to 100 letter- or legal-sized black-and-white printed copies, except that there is no charge for delivery by email of less than 100 pages or the equivalent (as determined by the RRWMB) of data. Standard charges will apply for re-delivery of data in the event of failure of email delivery resulting from incapacity of the recipient's email system. Copies of RRWMB documents will not be certified as true and correct copies unless that is specifically requested. The fee for certification is \$1 per document or part thereof.

With respect to oversize copies, tapes, electronic data, photographs, slides and other formats, the requesting individual will be responsible for the actual cost incurred by the RRWMB to make copies, except that there is no charge for electronic delivery of less than 100 pages of data or the equivalent (as determined by the RRWMB).

An individual requesting copies or the electronic transmittal of more than 100 pages of data is responsible to pay the RRWMB the actual cost, including the cost of staff time to search for and retrieve data and to make, certify, compile and transmit copies. Staff-time cost will be assessed based on established hourly rates. The RRWMB will not charge for staff time needed to separate public from protected data.

If an individual so asks, before copies are made the RRWMB will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to a request. Payment may be made by cash or check. The RRWMB may require payment in advance.

When an individual asks for a copy of data that have commercial value and were developed with a significant expenditure of public funds by the RRWMB, the RRWMB may charge a reasonable fee that relates to the actual cost of developing the data. As a condition of making certain commercially valuable data available, the RRWMB may require execution of a license agreement defining allowable use or further distribution.

## PROTECTION OF PRIVATE AND CONFIDENTIAL DATA ON INDIVIDUALS

The Red River Watershed Management Board (RRWMB) establishes the following to protect and ensure the accuracy of non-public data on individuals (i.e., private and confidential data).

### Accuracy and Currency of Data

Employees of the RRWMB are requested, and given appropriate forms, to annually provide updated personal information for the RRWMB as necessary for RRWMB recordkeeping, tax, insurance, emergency notification and other personnel purposes. Other individuals who provide private or confidential information (e.g., members of the Board of Managers) are also encouraged to provide updated information when appropriate.

### Data Safeguards

Private and confidential information is stored in secure files and databases that are not accessible to individuals who do not have authorized access. Private and confidential data on individuals is accessed only by individuals who are both authorized and have a need to access such information for RRWMB purposes. (An individual who is the subject of data classified as private may access such data for any reason.)

The RRWMB administrator, as Responsible Authority, reviews forms used by the RRWMB to collect data on individuals and ensures that the RRWMB collects private or confidential data only as necessary for authorized RRWMB purposes.

Only members of the Board of Managers and employees of the RRWMB whose work for the RRWMB requires that they have access to private or confidential data may access files and records containing such information. Employees' and managers' access is further governed by the following requirements:

- Private or confidential data may be released only to persons authorized by law to access such data;
- Private or confidential data must be secured at all times and not left in a location where they may be accessed by unauthorized persons;
- Private or confidential data must be shredded before it is disposed of.

When a contract with an outside entity requires access to private or confidential information retained by the RRWMB, the contracting entity is required by the terms of its

agreement with the RRWMB to use and disseminate such information in a manner consistent with the DPA and the RRWMB's Policies and Procedures for Public Access to Documents.

## PRIVATE AND CONFIDENTIAL DATA RIGHTS OF DATA SUBJECTS

In accordance with the Minnesota Data Practices Act, Minnesota Statutes chapter 13 (DPA), the Red River Watershed Management Board (RRWMB) provides this document to you, as the subject of private or confidential data collected by the RRWMB, to explain how (1) the RRWMB assures that all data on individuals collected by the RRWMB are accurate, complete and current for the purposes for which they were collected, and (2) to explain the security safeguards in place for RRWMB records containing data on individuals.

### Rights to Access Government Data

Minnesota law gives you, as the subject of private or confidential data collected by the RRWMB, and all members of the public the right to see data collected and maintained by the RRWMB, unless state or federal law classifies the data as not public. In addition, the DPA gives you and all members of the public the right to have access to or, if you wish, to copy any public data for any reason, as long as the data are not classified as not-public.

You have the right to:

- be informed, upon request, as to whether you are a subject of RRWMB data and how that data is classified;
- know what the RRWMB's procedures are for requesting government data;
- inspect, at no charge, any public data that the RRWMB collects and maintains;
- see public data that the RRWMB collects and maintains without telling the RRWMB who you are or why you want the data;
- have public data that the RRWMB collects and maintains explained to you;
- obtain copies of any public RRWMB data at a reasonable cost to you;
- be informed by the RRWMB in writing as to why you cannot see or have copies of not-public RRWMB data, including reference to the specific law that precludes you from viewing it;
- receive a response from the RRWMB to a data request in a reasonable time;
- contest the accuracy and completeness of public or private data the RRWMB has on you and appeal a determination by the RRWMB as to whether the data are accurate and complete;
- to ask the RRWMB, if you are under 18 years old, to withhold information about you from your parents or guardian;
- consent or revoke consent to the release of private data about you that the RRWMB has; and

- release all, part or none of the private data the RRWMB has on you.

### Security of Private and Confidential Data

State law protects your privacy rights with regard to the information the RRWMB collects, uses and disseminates about you. The data the RRWMB collects about you may be classified as:

- Public – anyone can see the information;
- Private – only you and authorized RRWMB staff can see the information;
- Confidential – only authorized RRWMB staff can see the information.

When the RRWMB asks you to provide data about yourself that are private, the RRWMB will give you a notice called a Tennesen warning notice. This notice determines what the RRWMB can do with the data collected from you and the circumstances under which the RRWMB can release the data. The RRWMB will ask for your written permission before using private data about you in a way that is different from what is stated in the Tennesen notice you receive. The RRWMB also will ask for your written permission before releasing private data about you to someone other than those identified in the notice.

State law requires that the RRWMB protect private and confidential data about you. The RRWMB has established appropriate safeguards to ensure that your data are not inadvertently released or wrongfully accessed. The RRWMB disposes of private, confidential and other not-public data in accordance with its Records Retention Schedule, adopted January 21, 2014. Printed data are disposed of by shredding or other method sufficient to prevent the data from being ascertainable. Electronic data are destroyed or erased from media in a manner that prevents the data from accessed or read. Data-storage systems in RRWMB computers are erased in the process of recycling.

## SUBDIVISION 2 – DATA ADVISORY

### TENNESSEN WARNING FOR APPLICANTS AND EMPLOYEES

In accordance with the Minnesota Government Data Practices Act, the Red River Watershed Management Board (RRWMB) must inform you of your rights as they pertain to the private information collected from you. The RRWMB is asking you to provide information, including information classified as public (anyone can obtain it), private (the public may not access it, but you can) and confidential (even you cannot see the information). Much of the data the RRWMB obtains and maintains about you is public according to Minnesota Statutes section 13.43, subdivisions 2 and 3.

Information which you will be asked to provide to the RRWMB as part of application for or employment with the RRWMB is considered private data includes, but is not limited to:

- home address
- home phone number
- Social Security number
- date of birth
- conviction record
- sex
- age group
- racial/ethnic group
- disability type

The information the RRWMB requests from you may be used for one or more of the following purposes:

- To distinguish you from other applicants or employees and identify you in RRWMB personnel files;
- To determine your eligibility for employment or promotion;
- To enable us to contact you when additional information is required, send you notices, and/or schedule you for interviews; To enable us to contact you or your designees (e.g., parent, spouse) in an emergency;
- to determine whether or not your conviction record may be a job-related consideration affecting your suitability for the position you applied for;
- to determine if you meet the minimum age requirement (if any);
- To enroll you and/or your family members in the RRWMB health insurance plan;
- To account for wages paid;
- To justify travel expense reimbursement;
- To account for other employer-paid benefits;
- To compile Equal Opportunity and Affirmative Action reports;
- To enable us to ensure your rights to equal opportunities;

If you are an applicant for employment with the RRWMB, furnishing your Social Security number, date of birth (unless a minimum age is required), sex, age group, racial/ethnic, and disability data is voluntary. But refusal to supply other requested information will mean that an application for employment may not be considered.

If you are hired by the RRWMB, you will be legally required to supply your Social Security number and all applicable tax information. This information will be sent to federal and state tax authorities and to the federal Social Security Administration, and will enable us to compute your salary deductions. The collection of your Social Security number on tax

forms is mandated by section 1211 of the Tax Reform Act of 1976 and also Minnesota Statutes section 270.66. This information will be shared with the state Department of Revenue and the Internal Revenue Service. In most other cases the disclosure of your Social Security number is voluntary. The information you provide may be shared with the RRWMB payroll services providers, insurance contractors, the Public Employee's Retirement Association, the federal Internal Revenue Service, and the state departments of Revenue, Finance, Economic Security, Employee Relations and Labor and Industry.

Insurance data which you will be required to furnish in order to participate in RRWMB health and life insurance plans will be classified as private as will payroll deduction data.

In addition to RRWMB management, RRWMB counsel may be given access to private information you provide.

Information may also be shared with other entities authorized by law to receive specific data related to:

- Absent/non-supportive parents;
- Civil/human rights complaints;
- Worker's Compensation;
- Unemployment Compensation;
- Labor contracts (to the extent specified in Minnesota Statutes chapter 179);
- Employee assistance programs;
- Child/vulnerable adult abuse.

Private information may also be released if required by a court order.

If you have any questions about this notice, the RRWMB administrator or operations manager will explain it to you. The information on this form applies to your future contact with the RRWMB whether the contact is in person, by mail or by phone.

Employee/Applicant:

I have read and understand the above Tennessee Warning.

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Employee/Applicant Signature

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Date