

II. MUNICIPAL ADMINISTRATION

201. Data Privacy

§201.010 DATA PRIVACY; DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this chapter.

Subd. 1. Applicant Seeking Employment. Every individual submitting an application for employment to perform services for compensation as directed by the employer.

Subd. 2. Confidential Data on Individuals. Data which is not public but is (a) expressly made confidential by law as to the individual subject of that data; (b) collected by a civil or criminal investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency; © data which supplies the basis for the diagnosis of the medical or psychiatric condition of an individual as determined by a licensed physician.

Subd. 3. Data on Individuals. All records, files and processes which contain any data in which an individual is or can be identified and which is kept on a permanent or temporary basis. It includes that which is collected, stored and disseminated by manual, mechanical, electronic or any other means. Data on individuals includes data classified as public, private or confidential.

Subd. 4. Employer. The City of White Bear Lake, Minnesota.

Subd. 5. Individual. A natural person. In the case of a minor individual under the age of eighteen (18), "individual" shall mean a parent or guardian acting in a representative capacity, except where such minor individual indicates otherwise.

Subd. 6. Records Repository. Every agency retaining and storing data on individuals as "responsible authority" as defined in Minnesota Statutes, Section 15.162, Subdivision 6 and Title 28 of the Code of Federal Regulations. (Ref. Ord. No. 629, 4/10/79)

§201.020 DATA PRIVACY; INVESTIGATION OF DATA. Every individual hereinafter seeking employment by submitting an application for employment to the City of White Bear Lake, Minnesota, will be subject to investigation by the employer of data collected and stored in a legally established records repository. All data on individuals defined as confidential or private, collected to determine suitability for employment, will be retained by the employer and disseminated only as provided by the Minnesota Government Data Practices Act. (Ref. Ord. No. 629, 4/10/79)

§201.030 DATA PRIVACY; PENAL PROVISION. Any individual who willfully violates the provisions governing collection, storing and dissemination of data on individuals as defined in Minnesota Statutes, Section 15.167 is guilty of a misdemeanor. Willful violation of Minnesota

Statutes, Sections 15.1611 to 15.1698 by any public employee constitutes just cause for suspension without pay, or dismissal of the public employee. (Ref. Ord. No. 629,4/10/79)