

City of Northfield, Minnesota	Policy Number: 7.02
LIBRARY	Adopted: 9/17/1996
DATA PRIVACY POLICY	Revised: 11/9/2011

PURPOSE: This policy will provide the guidelines and framework for library staff members to appropriately protect patron privacy and handle requests for public data. All City of Northfield policies and procedures related to government data also apply at the library. However, this additional policy is necessary to address data practices that are unique to the library.

The purpose of the first section of this policy is to state clearly how the Minnesota Government Data Practices law affects library operations and to set forth other policies relating to data which is collected by the library. (For the full text of the law, go to this link <http://www.house.leg.state.mn.us/hrd/pubs/dataprac.pdf>.) The policy will define private and public data and will detail the procedures to be followed for releasing both private and public data. The policy will also include a system for allowing library users to restrict their cards to their own personal use. The purpose of the second section of this policy is to set forth policies, procedures and resources for responding to requests for information based on the USA Patriot Act. (For the full act see: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ056.107.pdf)

SECTION I: Minnesota Government Data Practices

13.40 LIBRARY AND HISTORICAL DATA.

Subdivision 1. Records subject to this chapter.

(a) For purposes of this section, "historical records repository" means an archives or manuscript repository operated by a government entity whose purpose is to collect and maintain data to further the history of a geographic or subject area. The term does not include the state archives as defined in section [138.17, subdivision 1](#), clause (5).

(b) Data collected, maintained, used, or disseminated by a library or historical records repository operated by a government entity shall be administered in accordance with the provisions of this chapter.

Subd. 2. Private data; library borrowers.

(a) Except as provided in paragraph (b), the following data maintained by a library are private data on individuals and may not be disclosed for other than library purposes except pursuant to a court order:

(1) data that link a library patron's name with materials requested or borrowed by the patron or that link a patron's name with a specific subject about which the patron has requested information or materials; or

(2) data in applications for borrower cards, other than the name of the borrower.

City of Northfield, Minnesota	Policy Number: 7.02
LIBRARY	Adopted: 9/17/1996
DATA PRIVACY POLICY	Revised: 11/9/2011

(b) A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

Subd. 3. Nongovernmental data.

Data held in the custody of a historical records repository that were not originally created, received, maintained, or disseminated by a government entity are not government data. These data are accessible to the public unless:

- (1) the data are contributed by private persons under an agreement that restricts access, to the extent of any lawful limitation; or
- (2) access would significantly endanger the physical or organizational integrity of the data.

History:

1980 c 603 s 21; 1981 c 311 s 39; 1982 c 545 s 6,24; 1991 c 319 s 3; 1992 c 499 art 10 s 1; 1996 c 440 art 1 s 7; 2007 c 129

IMPORTANT SECTIONS OF THE LAW AND DEFINITIONS

13.01 GOVERNMENT DATA.

Subdivision 1. Applicability.

All government entities shall be governed by this chapter.

Subd. 2. Citation.

This chapter may be cited as the "Minnesota Government Data Practices Act."

Subd. 3. Scope.

This chapter regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities. It establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.

Subd. 4. Headnotes.

The headnotes printed in boldface type before paragraphs in this chapter are mere catchwords to indicate the content of a paragraph and are not part of the statute.

Subd. 5. Provisions coded in other chapters.

(a) The sections referenced in this chapter that are codified outside this chapter classify government data as other than public, place restrictions on access to government data, or involve data sharing.

(b) Those sections are governed by the definitions and general provisions in sections 13.01 to 13.07 and the remedies and penalties provided in sections 13.08 and 13.09, except:

City of Northfield, Minnesota	Policy Number: 7.02
LIBRARY	Adopted: 9/17/1996
DATA PRIVACY POLICY	Revised: 11/9/2011

- (1) for records of the judiciary, as provided in section [13.90](#); or
- (2) as specifically provided otherwise by law.

13.03 ACCESS TO GOVERNMENT DATA.

Subdivision 1. Public data.

All government data collected, created, received, maintained or disseminated by a government entity shall be public unless classified by statute, or temporary classification pursuant to section [13.06](#), or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential. The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records.

2.

Section 1. Minnesota Statutes 2006, section 13.02, subdivision 8 **Individual**. "Individual" means a natural person. In the case of a minor or a incapacitated person as defined in section

524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

13.04 RIGHTS OF SUBJECTS OF DATA.

Subdivision 1. Type of data.

The rights of individuals on whom the data is stored or to be stored shall be as set forth in this section.

Subd. 2. Tennesen warning.

An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting government entity; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or

City of Northfield, Minnesota	Policy Number: 7.02
LIBRARY	Adopted: 9/17/1996
DATA PRIVACY POLICY	Revised: 11/9/2011

entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section [13.82, subdivision 7](#), to a law enforcement officer.

Subd. 3. Access to data by individual.

Upon request to a responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

SECTION II: USA Patriot Act

Under the USA PATRIOT Act, information about a person’s library account and usage can be obtained by Federal Agents using a court order. The act prohibits library staff from informing the patron if such an order or search has been undertaken by means of a gag order. The FBI can retrieve any information about the patron that the library has. Information from the library may include, but is not limited to, books and other materials checked out; searches done on library computers, including places visited on the Internet; materials borrowed through interlibrary loan, use of library meeting rooms, and notes taken by librarians when assisting with questions.

Although state privacy laws regarding privacy in libraries are still in force, including laws protecting the confidentiality of library records, as federal laws the provisions of the Foreign Intelligence Surveillance Act (FISA), the Electronic Communications Privacy Act (ECPA), and the statute authorizing National Security Letters can supersede state privacy laws. It is important to remember, however, that state and local law enforcement agencies remain subject to state

City of Northfield, Minnesota	Policy Number: 7.02
LIBRARY	Adopted: 9/17/1996
DATA PRIVACY POLICY	Revised: 11/9/2011

library confidentiality laws and other laws protecting privacy, and that even the FBI is still required to present a form of judicial process (court order or subpoena) before information can be turned over to the agency. Libraries should consult with their legal counsel to determine precisely under what circumstances their state's library confidentiality law permits the release of user information.

All requests for information under the USA Patriot Act will be referred to the Library Director. No discussion of these requests is allowed with anyone else.

ADOPTED BY THE NORTHFIELD CARNEGIE LIBRARY BOARD
September 17, 1996

Revised and reaffirmed by the Northfield Public Library Board
November 9, 2011