

Parnassus Preparatory School

Executive Limitations Policies Group

PUBLIC AND PRIVATE PERSONNEL DATA POLICY - EXEC 406

I. PURPOSE

The purpose of this policy is to provide guidance to Parnassus Preparatory School employees as to the data Parnassus collects and maintains regarding its personnel. Parnassus Preparatory School shall be referred as Parnassus.

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by Parnassus, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by Parnassus.
- B. All other data on individuals is private or confidential.

III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to Parnassus staff who need it to conduct the business of Parnassus.
- C. "Confidential" means the data is not available to the subject.
- D. "Personnel data" means data on individuals collected because they are or were employees of Parnassus, or an individual was an applicant for employment, or volunteers for Parnassus.
- E. "Finalist" means an individual who is selected to be interviewed by Parnassus Board for a position.

IV. PUBLIC PERSONNEL DATA

- A. The following information on employees, including volunteer and independent contractors, is public:
 - 1. Personal information
 - a. Name
 - b. Education and training background
 - c. Previous work experience
 - 2. Compensation-related information
 - a. Actual gross salary
 - b. Salary range

- c. Actual gross pension
 - d. Value and nature of employer paid fringe benefits
 - e. The basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary payroll time sheets or other comparable data that are only used to account for the employees work time for payroll purposes, except to the extent that release of time sheets would reveal the employees reasons for use of sick or other medical leave or other non-public data.
3. Work and performance information
- a. Job title
 - b. Job description
 - c. Date of first and last employment
 - d. Work location
 - e. Work telephone number
 - f. Work email addresses
 - g. Honors and awards received
 - h. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in disciplinary action
 - i. The final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of Parnassus
 - j. The terms of any agreement settling any dispute arising out of the employment relationship

4. Applicants

With respect to employment applicants, the following information is public information:

- a. The names of "finalists" are public; a finalist is one who has been selected to be interviewed for the opening.
- b. Veterans status
- c. Relevant test scores
- d. Rank on eligible list
- e. Job history
- f. Education, training, and awards
- g. Work availability

- B. Personnel data may be disseminated to labor organizations to the extent Parnassus determines it is necessary for the labor organization to conduct its business or when authorized by the Commissioner of the Bureau of Mediation Services.
 - C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- V. **PRIVATE PERSONNEL DATA**
- A. All other personnel data is private and will only be shared with Parnassus staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
 - B. Data created, collected or maintained by Parnassus to administer employee assistance programs are private.
 - C. Personnel data may be disseminated to labor organizations to the extent Parnassus determines it necessary for the labor organization to conduct its business or when ordered or authorized by the Bureau of Mediation Services.
 - D. Parnassus may display a photograph of a current or former employee to prospective witnesses as part of the Parnassus' investigation of any complaint or charge against the employee.
 - E. Parnassus may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
 - 1. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - 2. A pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or
 - 3. A court, law enforcement agency or prosecuting authority.
 - F. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
 - G. A complainant has access to a statement provided by the complainant to Parnassus in connection with a complaint or charge against an employee.

- H. When allegations of sexual or other types of harassment are made against an employee, the employee will not have access to data that would identify the complainant or other witnesses if Parnassus determines that the employee's access to that data would:
1. Threaten the personal safety of the complainant or a witness; or
 2. Subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness will be available to the employee as may be necessary for the employee to prepare for the proceeding.

- I. Parnassus will make any report to the Board of Teaching or the Board of School Administrators as required by M.S. § 122A.20, subd. 2 and will, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the Parnassus' files, any termination or disciplinary action.
- J. Private personnel data will be disclosed to the Department of Economic Security for the purpose of administration of the unemployment insurance program under M.S. 268.
- K. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.
- L. Health information on employees is private unless otherwise provided by law. To the extent that Parnassus transmits protected health information, the District will comply with all privacy requirements.

VI. **MULTIPLE CLASSIFICATIONS**

If data on individuals are classified as both private and confidential by Minn. Stat. Ch. 13, or any other state or federal law, the data are private.

VII. **CHANGE IN CLASSIFICATIONS**

Parnassus shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VIII. **RESPONSIBLE AUTHORITY**

The Superintendent is the responsible authority for the District for carrying out the duties and responsibilities of government data as required by federal and/or state law.

IX. **EMPLOYEE AUTHORIZATION/RELEASE FORM**

An employee authorization form is included as an addendum to this policy.

X. DISSEMINATION OF PUBLIC PERSONNEL DATA

- A. Requests for public personnel data should be made to Parnassus' Headmaster.
- B. Parnassus will, upon request, provide the most recent report which includes the following public personnel data: name, job title, number of days contracted to work, actual gross salary, total benefits paid by Parnassus.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 13.02 (Definitions)
Minn. Stat. § 13.37 (General Nonpublic Data)
Minn. Stat. § 13.39 (Civil Investigation Data)
Minn. Stat. § 13.43 (Personnel Data)
Minn. Stat. § 122A.20, Subd. 2 (Mandatory Reporting)
P.L. 104-191 (HIPAA)
45 C.F.R. Parts 160 and 164 (HIPAA Regulations)

Cross References: MSBA Public and Private Personnel Data 406
MSBA/MASA Model Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA Service Manual, Chapter 13, School Law Bulletin "I" (School Records - Privacy - Access to Data)