

CITY OF NEW HOPE DATA PRACTICES ADVISORY

During the course of City employment, an employee will likely be asked to provide information which is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.

The information provided by the employee may be used in performance evaluations, determinations regarding merit pay, applications for different employee positions, and other matters which involve a review of the employee's personnel file and past performance. If the employee provides false, incomplete, or misleading information, the employee may be subject to discipline.

Unless the employee is told otherwise, the employee is required to provide the requested information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding.

Other persons or entities who are authorized by law to receive information in the employee's personnel file are: employees, agents, and officials of the City who have a need to know about the information in the course of their duties or responsibilities; the person who is the subject of private data; people who have permission from the subject of the data; the Minnesota Department of Economic Security in any claim for or appeal of re-employment benefits; the Worker's Compensation Court in any claim for insurance benefits; individuals who have obtained a court order for the information; and participants in any litigation, mediation, veteran's preference hearing, grievance arbitration, or other administrative proceeding which involves the employee. If litigation arises, the information may be provided in documents filed with the court which are available to any member of the public. If it is reasonably necessary to discuss the information at a City Council meeting, it will be available to members of the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information is available to any member of the public.