

CHISAGO COUNTY POLICY FOR ENSURING THE SECURITY OF NOT PUBLIC DATA

I. PURPOSE

Minnesota Statutes § 13.05, subd. 5, requires that government entities create procedures “ensuring that data that are not public are only accessible to persons whose work assignment reasonably requires access to the data.” This requires government entities to create procedures to identify which employees have access to not public data and develop a policy incorporating these procedures. By incorporating a column “Employee Work Access” into Chisago County’s Inventory of NOT Public Data on Individuals we document Security Group(s) whose work assignment reasonably requires access.

II. POLICY

It is the policy of Chisago County to collect, create, store, maintain, and disseminate government data in accordance with the Minnesota Government Data Practices Act.

Classification of government data

Data Category	Classification	Meaning of Classification
Data on Individuals	Public	Available to anyone for any reason
Data Not on Individuals	Public	
Data on Individuals	Private	Available to: <ul style="list-style-type: none">• Data subject• Those whose work requires access• Entities authorized by law• Those authorized by data subject
Data Not on Individuals	Nonpublic	
Data on Individuals	Confidential	Available to: <ul style="list-style-type: none">• Those whose work requires access• Entities authorized by law
Data Not on Individuals	Protected Nonpublic	
		Not available to data subject

A. DATA INVENTORY

1. Under the requirement in Minnesota Statutes § 13.025, subd. 1, Chisago County has prepared a Data Inventory which identifies and describes all not public data on individuals maintained by Chisago County. To comply with the requirement in Minnesota Statutes § 13.05, subd. 5, Chisago County has also modified its Data Inventory to represent what Security Groups have access to not public data.
2. In the event of a temporary duty as assigned by a manager or supervisor, an employee may access certain not public data, for as long as the work is assigned to the employee.
3. The Data Inventory identifies the name, title and address of the Responsible Authority for Chisago County and describes private or confidential data on individuals maintained by Chisago County (see Minnesota Statutes § 13.05 and Minnesota Rules 1205.1200).
4. In addition to the Security Groups listed in the Data Inventory, the Responsible Authority (RA), Data Practices Compliance Official (DPCO), Elected Officials and/or Department Specific Responsible Authorities will also have access to all Department specific not public data and will be restricted to a need-to-know basis only.
5. County employees and elected officials shall comply with this **Policy for Ensuring the Security of NOT Public Data** when performing County-related activities.
6. The Data Inventory is maintained by the County's Responsible Authority. Periodic updates to this inventory are made by the Responsible Authority in accordance with current regulations and after review by the County Attorney's Office.

B. DATA SHARING WITH AUTHORIZED ENTITIES OR INDIVIDUALS

State or federal law may authorize the sharing of not public data in specific circumstances. Not public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in applicable Tennessee warnings (*see* Minnesota Statutes § 13.04), or Chisago County will obtain the individual's informed consent, as required by Minnesota Statutes. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law.

**C. ENSURING THAT NOT PUBLIC DATA ARE NOT ACCESSED
WITHOUT A WORK ASSIGNMENT**

Within Chisago County, departments may assign tasks by employee or by job classification. If a department maintains not public data that all employees within its department do not have a work assignment allowing access to the data, the department will ensure that the not public data are secure, and available only to those who have a need to access for work purposes. This policy also applies to departments that share workspaces with other departments within Chisago County where not public data are maintained. This policy shall also apply to persons and entities conducting activity with access to not public data pursuant to agreement with Chisago County.

1. Actions for Ensuring Appropriate Access Include:
 - a. Assigning appropriate security roles, limiting access to appropriate shared network drives, and implementing security controls for not public electronic data.
 - b. Password protecting employee computers and locking computers before leaving workstations.
 - c. Securing not public data within locked workspaces and in locked file cabinets.
 - d. Shredding not public documents in a way that prevents its contents from being determined before disposing of them.
 - e. Utilizing proper encryption of electronic data as it passes through non-secure transport paths or storage.

D. ANNUAL AUDIT

Within Chisago County, departments must perform annual audits to verify and confirm compliance with access to not public data that is maintained by their department.

1. This audit shall include, but is not limited to:
 - a. Verification and/or review of employee job classification.
 - b. Verification and/or review of employees assigned to each job classification.
 - c. Cross-checking of access to not public data against employee job classification.

E. PENALTIES FOR UNLAWFULLY ACCESSING NOT PUBLIC DATA

Chisago County will utilize the penalties for unlawful access to not public data as provided for in Minnesota Statutes, section 13.09, if necessary. Penalties include suspension, dismissal, or referring the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor charge.

III. DEFINITIONS

Definitions of terms relating to data practices are set forth in the “Glossary of Terms” section of the Chisago County Data Practices Procedural Guidelines and those detailed below.

Data Inventory: Chisago County’s Inventory of NOT Public Data on Individuals.

Departments: Any Department or Office at Chisago County.

Security Groups: Any Department, Division and/or Employee at Chisago County.

IV. AUTHORITY

Governing Laws

Minnesota Government Data Practices Act

Requirements for collecting, creating, receiving, maintaining, or disseminating government data are found in Minnesota Statutes § Chapter 13 (the Minnesota Government Data Practices Act), and Minnesota Rules Chapter 1205 (the Rules). The Rules apply to data on individuals only.

Data Practices Procedures

Authority for establishing and maintaining data practices policies and procedures falls under various citations: Minnesota Statutes § 13.03, subd. 2; Minnesota Statutes § 13.05, subd. 1, subd. 5 and subd. 8; Minnesota Rules 1205.0300, subpart 3; Minnesota Rules 1205.0400, subpart 3; Minnesota Rules 1205.0500, subpart 3; Minnesota Rules 1205.0600, subpart 3; Minnesota Rules 1205.0700, subpart 3, and Minnesota Rules 1205.0900.

Official Records

Minnesota Statutes § 15.17, subd. 1 requires all officers and agencies of counties, cities and towns to make and keep all records necessary for a full and accurate knowledge of their official activities.

Destruction of Records

The destruction of public records is governed by Minnesota Statutes § 138.163 et seq. No disposal of public records may be made except in the manner prescribed by that chapter.

Health Care Records

The management of health-related information is governed by two regulations. The federal Health Insurance Portability and Accountability Act (HIPAA) (45 CFR Parts 160 & 164) is designed to ensure health insurance portability, reduce health care fraud and abuse, enforce standards for interchange of electronic health information, and guarantee security and privacy of protected health information. The Minnesota Medical Records Act (MMRA) (Minnesota Statutes § 144.335 and Minnesota Statutes § 144.651) addresses access to health care records, patients' rights, and confidentiality of medical records.

Other Authorities:

Other requirements for classifying and managing government data may be found in other State and Federal statutes, relating to the various activities of the County.

V. PROCEDURAL GUIDELINES

Guidelines for complying with the laws and rules pertaining to government data are contained in the Chisago County Data Practices Procedural Guidelines.

This Policy has been implemented to satisfy the requirement in Minnesota Statutes § 13.05, subd. 5, to establish procedures ensuring appropriate access to not public data.

Any questions regarding this policy should be referred to the Chisago County Data Practices Compliance Official (DPCO):

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