

MINNESOTA GOVERNMENT DATA PRACTICES ACT

2016 NOBLES COUNTY ATTORNEY INVENTORY OF NOT PUBLIC DATA ON INDIVIDUALS

Minnesota Statutes Section 13.393 provides that:

Notwithstanding the provisions of this chapter and section 15.17 the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility; provided that this section shall not be construed to affect the applicability of any statute, other than this chapter and section 15.17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsibly authority, other than the attorney, from duties and responsibilities pursuant to this chapter and section 15.17.

Consistent with that statute, with *McDeld v. Minnesota Department of Human Services*, 207 WL 430312 (Minn App 2007) and with Department of Administration Opinions 95-045, 95-048 and 95-049, while some data in the Office of the Nobles County Attorney is subject to the Data Practices Act, other data are not. The table that follows reflects the fact that in addition to the listed statutory authority, some data may be made not public due to standards of professional conduct including, but not limited to attorney-client privilege and attorney work product.

Data is often classified as confidential data on individuals if criminal, civil, or administrative investigation or litigation is pending or in progress. Upon completion of the process, classification then may change to public or private, unless the data retains its confidential classification under provisions of law. As noted above, however, that process may intersect with work product or attorney-client privilege classifications.

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The Responsible Authority for Data Practices Requests to the Nobles County Attorney's Office is the County Attorney, Kathleen A. Kusz, who can be reached at the Nobles County Attorney's Office, 1530 Airport Road, Suite 400, P.O. Box 337, Worthington, MN 56187 or 507-295-5298.

Name of form, record, file, system or process	Description: purpose, what it collects in terms understandable to the public	Classification	Citation for classification (statute, law or rule)	Designee by name and title
Child Protection-legal actions	Child protection referrals and petitions for children in need or protection or services, termination of parental rights, permanency and review of voluntary placements.	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.39 M.S. 13.393 M.S. 13.46 subd. 2 M.S. 13.84 M.S. 13.82 M.S. 13.821 M.S. 260C.171 M.S. 626.556 (10,11)	Kathleen A. Kusz Nobles County Attorney
Civil file-miscellaneous	Legal opinions given to county officials, including letters, memos, or other communications, reports, research and other correspondence in all possible formats .	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.93 M.S. 13.393	Kathleen A. Kusz Nobles County Attorney

Civil litigation files	Pleadings, briefs, research, correspondence, attorney work product and other similar or related documents involving civil investigation/litigation involving the county	Private Confidential Access granted only to individuals within the office whose work assignments require access.	M.S. 13.393 M.S. 13.39	Kathleen A. Kusz Nobles County Attorney

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Name of form, record, file, system or process	Description: purpose, what it collects in terms understandable to the public	Classification	Citation for classification (statute, law or rule)	Designee by name and title
Civil commitment- Mentally ill and dangerous; Sexual psychopathic personality; Sexually dangerous person	Medical records Pre-Petition screening	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.46 subd. 2 M.S. 13.393 M.S. 13.39 Civil Commitment Rule 21 M.S. 253B.0921 M.S. 253B.07 (1) (b)	Kathleen A. Kusz Nobles County Attorney
Civil Commitment- Chemical dependency; Mental illness; Mental deficiency.	Medical records Pre-Petition screening	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.46 subd. 2 M.S. 13.393; M.S. 13.39 Civil Commitment Rule 21 M.S. 253B.0921 M.S. 253B.07 (1) (b)	Kathleen A. Kusz Nobles County Attorney

Criminal case files	Pleadings, law enforcement reports; complaints, memos, correspondence and transcripts, court service reports; victim statements; court services reports and reports issued by sexual predator programs.	Private Confidential Access granted only to individuals within the office whose work assignments require access.	M.S. 13.393 M.S. 13. 87 M.S. 13.821 M.S. 13.84 03 M.S. 609.3471 M.S. 626.556 626.557	M.S. 13.82 M.S. 13.37 M.S. 13.82 M.S. 609A. M.S.	Kathleen A. Kusz Nobles County Attorney
Criminal research, attorney work product	Criminal division opinion letters, memos and briefs	Confidential Access granted only to individuals within the office whose work assignments require access.	M.S. 13.39 M.S. 13.393		Kathleen A. Kusz Nobles County Attorney

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Firearms permit litigation	Civil investigation/litigation regarding firearm permits issued, refused or revoked by the Sheriff, including pleadings, briefs, memos, research and all types of correspondence.	Private Confidential Access granted only to individuals within the office whose work assignments require access.	M.S. 624.714 subd. 12 M.S. 13.393 M.S. 13.39 M.S. 13.84 M.S.13.87	Kathleen A. Kusz Nobles County Attorney

Human Services appeals --services and financial	Financial and social services appeals, including denial of cash assistance, food stamp appeals, MA appeals, child and vulnerable adult maltreatment and neglect determination appeals, including all pleadings, briefs memos, all types of correspondence, transcripts and attorney work product.	Private Confidential Access granted only to individuals within the office whose work assignments require access.	M.S. 13.393 M.S. 13.46 subd. 2 M.S. 13.821 M.S. 626.556 M.S. 626.557	Kathleen A. Kusz Nobles County Attorney
Human Services appeals --reimbursement action	reimbursement sought for payments of worker's comp, medical assistance, developmental disability patients through probate, liens, including all pleadings memos, correspondence, transcripts, and attorney work product	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 136.46 subd. 2 M.S. 13.393 M.S. 13.39	Kathleen A. Kusz Nobles County Attorney

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Human services appeals-licensing	Licensing, including day care licensing, etc., including pleadings, briefs, memos, all types of correspondence, transcripts and attorney work product.	Confidential (while pending) Access granted only to individuals within the office whose work assignments require access.	M.S. 13.393 M.S. 13.41 M.S. 13.46 subd. 2 M.S.13.39	Kathleen A. Kusz Nobles County Attorney
Juvenile files	Includes pleadings, police reports, citations, petitions, memos, briefs, correspondence, transcripts, social services reports and information, evaluations, test results, treatment records, therapist's reports, medical records, child protection intake or screening notes, guardian ad litem reports, victim statements, addresses and phone numbers, court services reports, and reports issued by sexual predator programs.	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 260B.163 M.S.260B.171 M.S. 260C.171 M.S. 13.82 M.S. 13.84 M.S. 626.556 M.S. 13.46 subd. 2 M.S. 13.393 M.S. 13.39	Kathleen A. Kusz Nobles County Attorney
Opinion files	Legal opinions prepared by the County Attorney's Office, including memos, research and all kinds of correspondence.	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.393 M.S. 13.39	Kathleen A. Kusz Nobles County Attorney
Paternity and child support actions	Including pleading, memos, briefs, all forms of correspondence and transcripts including in representing the public authority in providing child support services.	Private Confidential Access granted only to individuals within the office whose work assignments require access.	M.S. 13.393 M.S. 13.46 subd. 2 M.S. 13.39 M.S. 518.255	Kathleen A. Kusz Nobles County Attorney

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Personnel data-general	Administer employment, including employee performance evaluations, personnel info, and correspondence, data on dependents	Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.43 subd. 4	Kathleen A. Kusz Nobles County Attorney
Personnel data-Discipline/misconduct investigations		Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.43 subd.42 M.S. 13.393	Kathleen A. Kusz Nobles County Attorney
Probate matters and files	All pleadings, memos, all forms of correspondence transcripts and medical records with regard to guardianship/conservatorship cases or restoration to capacity cases in which public authority is petitioner or a party or intervenor,	Confidential Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13. 393 M.S. 13.46 sbud. 2 M.S. 13.39 M.S. 626.557 subd. 12 B	Kathleen A. Kusz Nobles County Attorney
Research files	Research on miscellaneous topics affecting the copy or its individual departments for which no formal answer/opinion is needed, attorney work product	Confidential (while pending) Private Access granted only to individuals within the office whose work assignments require access.	M.S. 13.393	Kathleen A. Kusz Nobles County Attorney

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Explanation of what some of the classification categories mean

<p>DATA ON INDIVIDUALS-- M.S. 13.02 subd. 5</p> <p>In which an individual (defined in M.S. 13.02 subd. 8 as a living human being) is or can be identified as the subject of the data.</p>	<p>DATA ON DECEDENTS-- M.S. 13.10 subd. 10</p>	<p>DATA NOT ON INDIVIDUALS-- M.S. 13.02. subd. 4</p> <p>(An individual is defined in M.S. 13.02 subd. 8 as a living human being.)</p>
<p>PUBLIC--- M.S. 13.02 subd. 15</p> <p>Accessible to anyone.</p>	<p>PUBLIC—M.S. 13.10 subd. 15</p> <p>Accessible to anyone.</p>	<p>PUBLIC-- M.S. 13.02 subd. 4</p> <p>Accessible to anyone.</p>
<p>NOT PUBLIC—M.S. 13.02 subd. 8a</p>	<p>NOT PUBLIC—M.S. 13.02 subd. 8a</p>	<p>NOT PUBLIC—M.S. 13.02 subd. 8a</p>
<p>PRIVATE-- M.S. 13.02 subd. 12</p> <p>Accessible to the subject; not accessible to the public.</p>	<p>PRIVATE-- M.S. 13.10 subd. 1 (b)</p> <p>Accessible to the decedent’s representative; not accessible to the public.</p>	<p>NONPUBLIC-- M.S. 13.02 subd. 9</p> <p>Accessible to the data subject, if any; not accessible to the public.</p>

<p>CONFIDENTIAL—M.S. 13.02 subd. 13</p> <p>Not accessible to the data subject; not accessible to the public.</p>	<p>CONFIDENTIAL-- M.S. 13.10 subd. 1 (a)</p> <p>Not accessible to the decedent's representative; not accessible to the public.</p>	<p>PROTECTED NONPUBLIC-- M.S. 13.02 subd. 13</p> <p>Not accessible to the data subject; not accessible to the public.</p>
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