

**I. PURPOSE**

This policy distinguishes between public and private employee records according to state and federal regulations.

**II. POLICY**

- A. Athlos Academy's Human Resources shall maintain a permanent official personnel file for each employee containing public and private employee records.
1. Personnel files can be classified as public or private under the provisions of Minn. Stat. Ch. 13, the Minnesota Government Data Practices Act.
  2. The disclosure of certain personnel records shall be consistent with Minn. Stat. § 13.05.
- B. Public records subject to Minn. Stat. § 13.43(2) include but are not limited to:
1. Personal information (name, education and training background, work experience, etc.);
  2. Compensation-related information (actual gross salary, payroll time sheets, etc.);
  3. Work and performance information (Job title, job description, honors and awards received, etc.); and
  4. Any other information listed as public data in Minn. Stat. § 13.43(2)(a).
- C. The following private records subject to Minn. Stat. § 13.43(18) include but are not limited to:
1. Employment records that disclose a home address, personal phone number, Social Security number, insurance coverage, marital status, payroll deductions, applications, evaluations, etc.;
  2. Medical records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data is considered private under Minn. Stat. § 13.384(3); and
  3. Any other information listed as private data in Minn. Stat. § 13.43.
- D. All private employee records shall only be shared with school administration whose work requires such access, law enforcement, should a demand for particular information exist, and the Department of Administration for the purpose of administration of the worker's compensation program.
1. Private data will not be otherwise released unless authorized by Minn. Stat. § 13.05 or by the employee's informed written consent or if a safety risk exists for students or other school personnel.

## Public and Private Employee Records

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- E. Materials placed in the employee's personnel file are available for an employee's inspection consistent with the provisions in Minn. Stat. § 122A.40(19).
1. Personnel files relating to each individual employee must be available to each individual employee upon written request.
  2. Employees should contact Human Resources for a request to review their personnel files.
  3. Employees have the right to respond to any material in their personnel file, and the employee's written response shall be reviewed and included in the file.
  4. Access to this private data shall be governed by *Community Relations Policy 8008 – Access to Private Data* and any Tennessee warnings distributed when collecting the data.
- F. Retention of Employee Records
1. Records shall be retained according to the state General Records Retention Schedule and any destruction of those records should be reported to the Minnesota Department of Administration and the Minnesota Historical Society, in accordance with Minn. Stat. § 138.17(7).
  2. Records not on the General Records Retention Schedule may **not** be destroyed without Athlos Academy submitting either an "Application for Authority to Dispose of Records" or a "Minnesota Records Retention Schedule."
- G. If any individual employee information changes, the employee is responsible to promptly make the changes (such as change in address, phone number, marital status, credentialing etc.) in writing to Human Resources.
1. Failure to update a change in address may result in a delayed or lost payroll check.

### Legal References:

[Minn. Stat. Ch. 13](#) (Minnesota Government Data Practices Act)

[Minn. Stat. § 122A.40](#)

[Minn. Stat. §§ 138.163-138.17](#)

[Minnesota School District General Records Retention Schedule](#)