

MINNESOTA GOVERNMENT DATA PRACTICES ACT

2016 INVENTORY OF NOT PUBLIC DATA ON INDIVIDUALS

| Clay County | Responsible Authority - Brian Melton Clay County Attorney | | Department/Division Attorney | | Employee Work Access |
|---|---|---|--|---------------------------|--|
| Name of Form, Record, File, System, or Process | Description <i>(Purpose, what it collects, in terms understandable by general public)</i> | Classification | Citation for Classification (Statute, Law, or Rule) | Designee (Name, Title) | (Name, Title) |
| Adult case prosecution declined letters | Adult case prosecution declination letters | Confidential or Private, in part (depending on content) | M.S. 13.393 M.S.13.82 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Checking account numbers | Copies of checks tendered for various payments to the County Attorney's Office and in case files | Private | M.S. 13.37 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Child protection – legal actions | Child protection referrals and petitions; For children in need of protection or services, termination of parental rights, permanency and review of voluntary placements. | Confidential (<i>while pending</i>) Private | M.S. 260C.171 M.S. 626.556 (10, 11) M.S. 13.393 M.S. 13.39 M.S. 13.46, subd. 2 M.S. 13.84 M.S. 13.82 M.S. 13.821 M.S. 13.393 M.S. 13.46, subd. 2 M.S. 626.556 (10, 11) | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Civil file - miscellaneous | Legal opinions given to county officials, including letters, memos, reports, research, and other correspondence | Confidential (<i>while pending</i>) Private | M.S. 13.393 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |

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| Civil Commitment | Mentally ill and dangerous Sexual psychopathic personality Sexually dangerous person (Medical records) Pre-petition screening | Confidential (<i>while pending</i>) Private | 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) | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Civil Commitment | Chemically dependent person Mentally ill person Mentally disabled person (Medical records) Pre-petition screening | Confidential (<i>while pending</i>) Private | M.S. 13.46, subd. 2 M.S. 13.393 M.S. 13.39 Civil Commitment Rule 12 M.S. 253B.0921 M.S. 253B.07 (1) (b) | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| 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 | M.S. 13.393 M.S. 13.82 M.S. 13.87 M.S. 13.821 M.S. 13.84 M.S. 609.3471 M.S. 626.556 M.S. 626.557 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Criminal research, attorney work product | Criminal Division opinion letters, memos, and briefs | Confidential | M.S. 13.03 M.S. 13.393 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |

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| Juvenile file | Includes pleadings, law enforcement reports, citations, petitions, memos, correspondence, briefs, transcripts, Community Services' reports, evaluations, test results, treatment records, therapist's reports, medical records, written, audio-taped or video-taped information from Community Services, 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 (<i>while pending</i>) Private | M.S. 260B.163 M.S. 260B.171 M.S. 260C.171 M.S. 13.82 M.S. 13.821 M.S. 13.84 M.S. 626.556 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Civil Litigation files | Civil investigation litigation involving county, including pleadings, briefs, research, correspondence, attorney work product. | Private Confidential | M.S. 13.393 M.S. 13.39 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Expungement Letters | Letter confirming receipt of expungement order | Private | M.S. 609A.03, subd. 8 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Firearms permit litigation | Civil investigation litigation regarding firearm permits issued, refused or revoked by the Sheriff, including pleadings, briefs, research, and correspondence | Private Confidential | M.S. 624.714, subd. 12 M.S. 13.393 M.S. 13.39 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |

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| Opinion files | Legal opinions prepared by County Attorney's office, including correspondence and research Attorney/client legal opinions | Confidential <i>(while pending)</i> Private | M.S. 13.393 M.S. 13.39 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Paternity and child support action | Representing public authority for services of child support enforcement, medical support, parentage determination, including all pleadings, memos, correspondence and transcripts | Private Confidential | M.S. 13.393 M.S. 13.46, subd. 2 M.S. 518.255 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Probate Matters and Files | Developmental disabled, adult protection, need of conservatorship or guardianship, and restoration to capacity | Private Confidential | M.S. 13.393 M.S. 13.46, subd. 2 M.S. 626.557, subd. 12b | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Research files | Research on miscellaneous topics affecting the county for which no formal answer/opinion is needed, attorney work product | Private Confidential | M.S. 13.393 M.S. 13.39 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Human Services appeals - services and financial | Financial and social services appeals, including denial of MFIP, food stamp appeals, medical assistance appeals, child maltreatment determinations, vulnerable adult determinations, including all pleadings, memos, correspondence, transcripts and attorney work product | Private Confidential | M.S. 13.393 M.S. 13.46, subd. 2 M.S. 13.821 M.S. 626.556 M.S. 626.557 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |

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| Human Services appeals | Licensing, including day care license, etc., including all pleadings, memos, correspondence, transcripts and attorney work product | Confidential <i>(while pending)</i> Private | M.S. 13.393 M.S. 13.41 M.S. 13.46, subd. 2 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| Human Services appeals reimbursement action | County seeks reimbursement for worker's comp, payment of medical assistance, developmental disability patients, probate; liens, including all pleadings, memos, correspondence, transcripts, and attorney work product | Confidential <i>(while pending)</i> Private | M.S. 13.46, subd. 2 M.S. 13.393 | Erin Fildes, Paralegal | County Attorney, Assistant Attorneys, Paralegal, Legal Assistants, Victim Services |
| <p>Minn. Statute 13.393 provides: 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 responsible authority, other than the attorney, from duties and responsibilities pursuant to this chapter and Section 15.17.</p> <p>Consistent with that statute, <u>McDeid v. Minnesota Department of Human Services</u>, 2007 WL 4303102 (Minn. App. 2007) and Department of Administration Opinions 95-045, 95-048, and 95-049 while some data in the Office of the Clay County Attorney is subject to the data practices, other elements are not. This table 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.</p> <p>Data is often classified as confidential data on individuals if criminal, civil, or administrative investigation or litigation is pending. Upon completion, the data classification will then change to public or private, unless it retains its confidential classification under other provisions of law.</p> | | | | | |