

NICOLLET COUNTY INVENTORY OF NOT PUBLIC DATA ON INDIVIDUALS

Responsible Authority: Michelle Zehnder Fischer, Nicollet County Attorney		Department/Division: County Attorney’s Office		
Name of Form, Record, File, System, or Process	Description (Purpose and what it collects, in terms understandable by the general public)	Data Classification	Citation for Classification (Statute, Law, or Rule)	Designee (Name, Title, Address)
<p><u>Note:</u> Minn. Stat. § 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 responsible authority, other than the attorney, from duties and responsibilities pursuant to this chapter and Section 15.17.</p> <p>Consistent with the statute, <i>McDeid v. Minn. Dept. of Human Servs.</i>, 2007 WL 4303102 (Minn. Ct. App. Dec. 11, 2007), and Minn. Dept. or Admin. Ops. 95-045, 95-049, and 12-017, while some data in the Nicollet County Attorney’s Office is subject to the Minnesota Governmental Data Practices Act, 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 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 similar to Minn. Stat. § 13.82, subd. 7 related to law enforcement.</p>				
Adult case prosecution declined letters	Letters declining prosecution in adult criminal cases	Confidential or private, in part (depending on content)	M.S. 13.393 M.S. 13.82	Michelle Zehnder Fischer Nicollet County Attorney 501 South Minnesota Ave St. Peter, MN 56082
Checking account numbers	Copies of checks tendered to various payments to the County Attorney’s Office	Private	M.S. 13.37	Michelle Zehnder Fischer

Pursuant to Minn. Stat. § 13.05, this document is a public record.

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Child protection information	Child protection referrals, petitions for children in need of protection or services, permanency petitions, petitions for termination of parental rights, reviews of voluntary placements	Confidential (while pending) 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	Michelle Zehnder Fischer
Civil commitment information	All files related to persons who are: mentally ill and dangerous, sexually psychopathic, sexually dangerous, chemically dependent, mentally ill, and mentally disabled Medical records Pre-petition screenings	Confidential (while pending) Private or confidential (depending on content)	M.S. 13.46, subd. 2 M.S. 13.393 M.S. 13.39 Civ. Commit. R. 21 Civ. Commit. R. 12 M.S. 253B.0921 M.S. 253B.07(1)(b)	Michelle Zehnder Fischer
Civil files- miscellaneous	Legal opinions given to county officials, including memos, reports, research, correspondence	Confidential (while pending); Private or	M.S. 13.393	Michelle Zehnder Fischer

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Civil files – misc (continued)		confidential (depending on content)		
Civil litigation files	Civil investigation involving county, including pleadings, internal memos, briefs, research, correspondence, attorney work product	Private, in part Confidential (while pending)	M.S. 13.393 M.S. 13.39	Michelle Zehnder Fischer Nicollet County Attorney
Criminal case files	All data related to active and closed investigations, cases, and appeals including but not limited to: pleadings, law enforcement reports, complaints, memos, correspondence, transcripts, court services data/reports, victim statements, and reports issued by sexual predator programs Rule 20 Exams	Confidential (while pending) 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 M.S. 609A.03 (if sealed) Minn. R. Crim. P. 20.01, 20.02	Michelle Zehnder Fischer Nicollet County Attorney
Criminal and juvenile attorney work product	All research, opinion letters, memos, and briefs in criminal and juvenile files	Confidential	M.S. 13.393	Michelle Zehnder Fischer
Expungement letters	Letters confirming receipt of expungement orders	Private	M.S. 609A.03, subd. 8	Michelle Zehnder Fischer

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Firearms permit investigations and litigation	Civil investigation regarding firearm permits issued, refused, or revoked, including but not limited to research, memos, pleadings, briefs, and correspondence	Confidential (while pending) Private	M.S. 624.714, subd. 12 M.S. 13.393 M.S. 13.39	Michelle Zehnder Fischer
Human Services (DHS) Appeals	All research, pleadings, memos, correspondence, transcripts, and other attorney work product related to: <u>Financial and social services appeals</u> , including denial of MFIP, food stamp appeals, medical assistance appeals, child maltreatment determinations, vulnerable adult determinations; <u>Licensing appeals</u> , including day care and foster care licenses; and <u>Reimbursement actions</u> , including county reimbursement for workers comp, payment of medical assistance, developmental disability patients, probate, and liens	Confidential (while pending) Private	M.S. 13.393 M.S. 13.41 M.S. 13.46, subd. 2 M.S. 13.821 M.S. 626.556 M.S. 626.557	Michelle Zehnder Fischer

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Juvenile files	<p>All data related to active and closed investigations, cases, appeals, and other post-adjudication actions in juvenile files. Includes, but not limited to pleadings, law enforcement reports, citations, petitions, memos, correspondence, briefs, transcripts, human services reports, evaluations, test results, treatment records, therapist reports, medical records, written/audio- or video-recorded information from human services, child protection intake or screening notes, Guardian ad Litem reports, victim statements, addresses and phone numbers, court services data, and reports issued by the sexual predator program</p> <p>Rule 20 Exams</p>	<p>Confidential (while pending)</p> <p>Private</p> <p>Confidential</p>	<p>M.S. 260C.171 M.S. 13.393 M.S. 13.82 M.S. 13.821 M.S. 13. 84 M.S. 260B.163 M.S. 260B.171 M.S. 626.556</p> <p>Minn. R. Juve. Del. P. 20.01, 20.02</p>	Michelle Zehnder Fischer
Opinion files	Legal opinions prepared by the Nicollet County Attorney’s Office, including correspondence in any form, research, and attorney-client legal opinions	<p>Confidential</p> <p>Private</p>	<p>M.S. 13.393 M.S. 13.39</p>	Michelle Zehnder Fischer
Paternity and child support files	Pleadings, memos, correspondence, and	Private	M.S. 13.393	Michelle Zehnder Fischer

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Paternity and child support files (continued)	investigative file transcripts from all cases where the Nicollet County Attorney's office has represented the public authority for child support enforcement, medical support, parentage determinations	Confidential	M.S. 13.46, subd. 2 M.S. 518.255	
Personnel data - general	Administrative employment data, including employee performance evaluations, personnel data, correspondence, and data on employee's dependents	Private	M.S. 13.43, subd. 4	Michelle Zehnder Fischer
Personnel data – misconduct and discipline investigations	All data related to allegations of employee misconduct that does not result in disciplinary actions	Confidential (while pending) Private	M.S. 13.43, subd. 4 M.S. 13.393	Michelle Zehnder Fischer
Probate matters	All data related to developmentally disabled, adult protection, guardian or conservatorship, restoration to capacity, and medical assistance claims against estates	Confidential (while pending) Private	M.S. 13.393 M.S. 13.46, subd. 2 M.S. 626.557, subd. 12b	Michelle Zehnder Fischer
Research files - general	Research and attorney work product on miscellaneous topics affecting Nicollet County for which no formal answer or opinion is need	Private Confidential (depending on content)	M.S. 13.393 M.S. 13.39	Michelle Zehnder Fischer

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