



MINNESOTA HISTORICAL SOCIETY

## **Information Policy of the Minnesota Historical Society**

**Adopted January 17, 2007**

**Revised January 20, 2011**

### **I. Introduction**

The Minnesota Historical Society is a non-profit educational institution supported in part with public funds. As such, it is not subject to the Minnesota Government Data Practices Act. This Policy is established to provide guidelines that enable and promote public access to information held by the Society while protecting the privacy rights of individuals and the interests of the Society.

### **II. Scope and purpose**

This Policy covers access to information that has been collected, created, stored, and maintained by the Minnesota Historical Society. It establishes the presumption that information is available to the public unless there is a federal law, a state statute, or a Society or an individual's need to restrict such access.

### **III. Definitions used in this Policy**

*Administrative records* include Minnesota Historical Society records in any format that are created, collected and maintained in the normal course of business. It includes broadly the Society's internal records; however, it does not include *Society collections* or *personnel records*, which are defined below.

*Personnel records* means records that are created, collected, and maintained for individuals who are or were employees or volunteers of the Minnesota Historical Society. It includes records that exist primarily to document or administer the employment or volunteer relationship and generally includes such documents as application forms, performance evaluations, disciplinary actions, education and training records, and compensation records, etc.

*Private information* means information that is not available to the public.

*Records* means information, data, and other documentary material in any format.

*Society collections* means material (including records and artifacts) that the Society has collected, created, purchased, or received as a donation or transfer with the intent of documenting, presenting, interpreting, and making available Minnesota history. Administrative and personnel records become a part of *Society collections* if and when they are transferred to the Minnesota Historical Society Archives, which collection is part of the *Society's collections*.

*State Archives records* means government records that are transferred to the Minnesota Historical Society pursuant to Minnesota Statutes § 138.17 subd. 1.

## **IV. Guidelines to Access**

### **A. Society collections**

The Society, as part of its mission, collects and cares for material that document human life in Minnesota. The Society is an educational organization that makes its information and collections known and accessible to people in Minnesota and beyond. The Society's *Collections Management Policy* guides the acquisition, use, loan, conservation, deaccession, and disposal of these collections.

Access to these Society collections and/or the information contained in them may be restricted for the following reasons:

#### **1. Copyrighted material**

The Society follows federal copyright law, which may limit use of information. The Society's copy center must restrict copying of certain material if such duplication violates federal copyright law.

#### **2. Donations**

A donor may restrict access to collections as a part of a negotiated agreement with the Society. Such agreements may include no access for a specified period of time, limited access, or selected access.

#### **3. Endangered material**

The Society reserves the right to restrict use of fragile or vulnerable materials if such use would endanger them. The Society makes every effort to provide alternative formats (such as microfilm or other reproductions) for use if the original material is endangered. The Society may also restrict the dissemination of information if such dissemination might jeopardize the security of historical resources.

#### **4. Special circumstances**

The Society respects the special nature of funerary and sacred objects and may apply restrictions on the study and other use of these collections.

#### **5. State Archives**

The Society follows Minn. Stat. § 138.17 subd. 1(c) relating to access to State Archives records. In general, such information is public except as provided for by Minn. Stat. § 138.17 subd. 1(c).

### **B. Administrative Records**

The Society is committed to providing substantial access to its administrative records. In general, information in records created, collected, and maintained by the Society is available to the public. Certain exceptions apply and the following guidelines are intended to provide assistance to members of the public who may want access to the records and to the staff members who receive requests for such access.

#### **1. Appraisal information.**

The estimated or appraised value of Society real estate property is private information. If such property is sold, the information becomes public upon the completion of the sale. The estimated or appraised value of items in the Society's collection is private information. If such items are deaccessioned and sold in accordance with the Society's *Collections Management Policy*, the information becomes public upon the completion of the sale.

## **2. Confidential information**

Certain trade secret, commercial, and proprietary information (for example, information relating to exhibit design techniques, computer software development, and acquisition preparatory work) is deemed to be private information.

## **3. Donor and development information**

The names of donors to the Society, including those who donate collection items and those who make financial and in-kind donations, are public unless a donor requests anonymity. The gift range of a financial donation is public; the specific gift amount, form, payment schedule and date of gift are private information unless approved by the donor.

Information about past, current, and prospective donors, including the research, solicitation, proposals, responses, and similar development and acquisition information is private information.

## **4. Draft minutes and reports**

Draft minutes of committee meetings are private information. Draft committee meeting minutes are considered drafts until they have been approved by the appropriate committee.

Notes and preliminary drafts of reports created, collected, or maintained during management studies, audits, reviews, consultations, or investigations are private until the final report has been published or preparation of the report is no longer being actively pursued.

## **5. Financial information**

Completed audits of the Society's finances by the Legislative Auditor and private auditing firms are public.

Financial information is generally considered public, unless release of certain information would be in violation of donor or other agreements, in which case such information is considered private information. Any identifying, private personnel information (for example, social security numbers) contained in otherwise public financial information shall be redacted before such public information is made available to the public.

Executed contracts are presumed to be public unless otherwise provided for by the terms of the contract. To the extent that a contract that is otherwise public contains information deemed to be private information (for example, social security numbers or donor information) such private information shall be redacted before the contract is made available to the public.

## **6. Patron/library users**

Personal information received from Research Center patrons is private information, unless the patron authorizes the release of his/her name and research topic to other patrons.

## **7. Security information**

If disclosure of information might substantially jeopardize the security of information, possessions, individuals, or property against theft, tampering, improper use, illegal disclosure, trespass, or physical injury, it will be treated as private information and therefore not accessible to the public.

## **C. Personnel records**

Requests for personnel information should be referred to the Human Resources Department. That department is guided by the *Employee Handbook* that covers staff and the *Volunteer Program Policies and Procedures Handbook* that covers trustees and other volunteers.

The Society maintains a balance between public accountability and the rights of an individual to privacy. In order to protect those individual rights, the *Employee Handbook* and the *Volunteer Program Policies and Procedures Handbook* assume that all personnel and volunteer records are private information, except as specified in the *Employee Handbook* and the *Volunteer Program Policies and Procedures Handbook*. "

Final Society disciplinary determinations are public if the cause of the discipline involves misuse of public funds or abuse of the public trust, as determined by the Society. The disciplinary information released in such cases will consist of the name of the employee, a summary of the Society's findings of the cause of misconduct, and the disciplinary action taken by the Society.

## **V. Reservation of Rights**

The Society reserves the right, in unusual circumstances, to decide to release otherwise private information and to decide not to release otherwise public information. The following are examples of such possible circumstances:

### **A. Compliance with law**

The Society will not release records or information if such release will violate state or federal law or a court order. Further, the Society will not release information if it knows or has reason to know that its release is at issue. When the issue of release of information is the subject of a filed or pending action for an order prohibiting its release, no release shall occur until such action is resolved.

### **B. Court orders**

The Society will comply with court orders and duly issued subpoenas relating to records and information unless it successfully challenges such orders or subpoenas in court.

### **C. Privacy rights**

Access to records may be denied if such access might potentially and unreasonably violate a privacy or other significant interest of an individual.

### **D. Privileged records**

The Society reserves the right to deny access to information that the Society or its legal counsel determines is protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The Society does not intend that this Policy provide an alternative to civil discovery and expects adverse parties to obtain information in connection with disputed matters through the formal discovery process.

### **E. Society responsibilities**

To balance its programs and workload, the Society may have to schedule the response to a request within the larger context of its responsibilities and routines.

### **F. No contract rights established**

This Policy is intended to facilitate public access to Society information. It is not intended to create a contractual right to information, or any other contractual rights, for the public or Society employees. It is not intended to create employment rights or alter the employment relationship of Society employees.

### **G. Termination or amendment of Policy**

The Society reserves the right to amend or terminate this Policy, as it deems appropriate at any time in its sole discretion.

### **H. Conflicts in Policy**

To the extent any conflict arises in application of this Policy such that information sought could be construed as both private and public, the designation as private shall take precedence and the information accordingly shall not be released.

## **VI. Access Procedures**

The Society will provide members of the public full accessibility to information held by the Society as appropriate under this Policy. Typically, information requests are made to the Society's program staff. If those requesting information believe the response is insufficient, a formal request for access should be made in writing to the Director of the Society.

The requester will be responsible for any costs incurred by the Society in meeting the request, including the cost of duplication (such as photocopy costs) as well as the cost of the employee time for activities such as locating, sorting, copying, and transmitting the information.

### **A. Approval**

If the request is determined by the Director (or the Director's designee) to be appropriate and reasonable, requested information ordinarily will be provided in its original format. Such information will be supplied as soon as reasonably possible, considering the scope of the request and the Society's ongoing operations.

### **B. Denial**

If the Director determines that access to requested records is inappropriate or should be limited, she/he will so inform the requester in writing within 15 working days, citing the reason for the denial or partial denial.

The Director's decision about the accessibility of information may be appealed to the Society's Executive Council. Such appeals must be in writing and submitted within 30 calendar days of the Director's decision. The Executive Council (or the Executive Committee acting on the Executive Council's behalf) will consider the appeal pursuant to case-by-case procedures as established by the President. Decisions of the Executive Council should be expected within 60 days. The decisions of the Executive Council are final.