

Information Policy of the Minnesota Historical Society

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 information 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 includes 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. It does not include *Society collections* or *personnel records* defined below.

Personnel records means records that are collected because the individual is or was an employee of the Minnesota Historical Society, applied for a job with the Society, performs services on a voluntary basis for the Society, or is a member of any Society committee or its governing board. It includes records that exist primarily to document or administer the employment or volunteer relationship. It does not include every record that makes reference to personnel involved in a particular Society project or activity. It does not include *Society collections* or *administrative records*, defined below and above respectively.

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, preserving, interpreting, and making available Minnesota history. *Society collections* are intended to be made available to the public. *Society collections* does not include the administrative and personnel records, defined above; such records, however, may become a part of *Society collections* if they are transferred to the Minnesota Historical Society Archives.

Society records means the administrative records and the personnel records, both defined above, that are created, collected, and maintained by the Minnesota Historical Society in the normal course of business.

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 M.S. 138.17 subd. 1(c) relating to access to government records transferred to the State Archives. In general, such information is public unless access would endanger it or disclosure would constitute an unwarranted invasion of privacy.

B. Society records

1. 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.

a. Appraisal information

The estimated or appraised value of Society real estate property is not public 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 not public 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.

b. Confidential information

The Society will keep certain trade secret, commercial, and proprietary information private.

c. 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 amount is not public 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 not public.

d. Drafts and internal memoranda

Draft material and interdepartmental and other internal memoranda not intended for public dissemination are not accessible to the public. Minutes of committee meetings are considered drafts until they have been approved by the appropriate committee.

e. Financial information

Financial information about the Society's public funds is public. Financial information about the Society's nonpublic funds is also presumed to be public information unless such access is in conflict with donor or other agreements. Completed audits of the Society's finances by the Legislative Auditor and private auditing firms are open to the public.

The specific information related to accounts receivable, which is the money owed to the Society, may contain private information and is therefore not public.

Specific payroll information is not public.

Contracts are presumed to be public upon execution of the contract unless access to such information (such as social security numbers or donor information) would violate other agreements or policies.

f. Non-financial contracts and agreements

Non-financial contracts and agreements are presumed to be public unless access to such information (such as social security numbers or donor information) would violate other agreements or policies.

g. Patron/library users

Personal information received from Research Center patrons is not accessible to the public. A patron may authorize release of his/her name and the release of his/her research topic to other patrons with similar research topics.

h. 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 is not accessible to the public.

2. Personnel records

Requests for personnel information should be referred to the Human Resources Department. That department is guided by the *Employee Handbook* which provides information to employees about the Society's general employment policies and practices.

The Society maintains a balance between public accountability and the rights of an individual to privacy. In order to protect those individual rights, this policy provides for the release of the specific information detailed below and assumes that other personnel information is not available to the public.

The following information is available to the public: dates of employment, job titles, position classifications, positions descriptions, including qualifications and requirements for the position; and salary ranges. The names of the management staff members and the names of members of the Executive Council and Executive Committee are public.

The following information will be made public upon reasonable request if the release of such information accommodates Society business and employee needs: employee names, work location and work phone numbers, and such records as organization charts which identify specific personnel or job titles.

Final Society disciplinary determinations are public if the cause of the discipline involves misuse of public funds or abuse of the public trust, both 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 findings of the cause of misconduct, and the disciplinary action taken by the Society.

This policy applies only to public requests for access to personnel records. Employee requests are guided by the *Employee Handbook*.

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:

1. 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 has knowledge, through formal service of relevant legal papers, that the issue of release of information is the subject of a filed action for an order prohibiting its release, until such action to restrain release is resolved.

2. 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.

3. 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.

4. Privileged records

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

5. Society interests

The Society may deny or limit access to information if providing access would unreasonably harm the interests of the Society, whether because of the burdensomeness of the request, the practical difficulties of compliance, or the negative impact on ongoing operations of providing access to the requested information.

6. No contract rights established

This information policy is intended to facilitate public access to Society information. It is not intended to create 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.

7. 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.

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.