

Data Practices: A Deeper Dive Into Muddy Waters

APRIL 27, 2018

STEARNS COUNTY SERVICE CENTER, WAITE PARK

County attorneys must give opinions on requests for government data under the Minnesota Government Data Practices Act (MGDPA). They may also be responsible for providing advice on how to keep data private and secure in light of MGDPA and other legal obligations. Moreover, county attorneys have their own responsibilities for the government data in their own offices. Providing legal advice in this area can be a complex undertaking, particularly with the increased focus on government transparency and individual privacy rights. This seminar assists in navigating the muddy waters of data privacy by going beyond the basics and delving into areas of data practices that may be particularly relevant to county attorneys.



CO-SPONSORED BY Minnesota Counties Intergovernmental Trust and Minnesota County Attorneys Association

Seminar Details

- April 27, 2018
- Stearns County Service Center, Waite Park, Minn.: 3301 County Road 138
- Registration, 8:30 a.m.; Training, 9 a.m.-3:30 p.m.
- Fee: \$65 per person
- Recommended audience: County attorneys, human resources professionals, administrators/ coordinators
- Register: MCIT.org/training-calendar/
- CLE credits will be applied for
- Questions about registration: Contact MCIT at register@mcit.org or 1.866.547.6516, ext. 6416
- Questions about seminar: Contact MCIT Communications Manager Heather Larson-Blakestad at 1.866.547.6516, ext. 6430 or hblakestad@mcit.org

Sessions

- Personnel Data, Co-occurring Misconduct and Criminal Behavior**, *presented by Bill Everett, Everett & Vanderweil, PLLP*: County attorneys are called upon to determine what happens when an incident of workplace misconduct also violates a criminal law. Can the employer share personnel data with law enforcement? May prosecutors share investigative data with county employers? Who decides which issue to tackle first? Everett has been dealing with these issues for more than two decades, and shares his insights and recommendations for providing advice. County attorneys will be prepared to hit the ground running and avoid common pitfalls that await when both criminal and employment investigations arise out of the same incident.
- Health and Human Services Data**, *presented by Ann Goering, Ratwik & Maloney, P.A.*: County health and human services departments routinely collect highly sensitive private and confidential data on individuals. As such, there is an increased opportunity for unauthorized release of data. Goering provides a brief overview of the laws that govern health and human services data; and explores data privacy, storage and release issues that may be unique to these departments. For example, it is not uncommon for employees in these departments to use text messaging and e-mail to communicate with their clients. Goering discusses advising these departments about data retention, internal and external sharing of data, and steps to consider in the event that nonpublic data is improperly released or accessed.
- Questions County Attorneys Have About Data Practices**, *presented by Stacie Christensen, Director, Data Practices Office, Minnesota Department of Administration*: The Data Practices Office of the Minnesota Department of Administration provides informal advice to both members of the public and government entities that have questions about the MGDPA. Christensen examines the types of questions that the office has received from counties and county attorneys, and walk through the analysis of the answers provided to the more interesting questions. She also touches on current trends.
- Lessons Learned**, *presented by Janelle Kendall, County Attorney, Stearns County; and Susan Tindal and Jason Hively, Iverson, Reuvers, Condon*: County attorneys work with law enforcement to release closed criminal investigative files regularly. The scheduled release of the Jacob Wetterling investigation, involving approximately 30,000 leads and at least 56,000 pages of information dating back 27 years, resulted in MGDPA analysis on many topics, as well as lawsuits from victims, the media and the federal government. The legal judgments in big cases are the same as small ones. Kendall discusses the crosssection of issues analyzed and litigated. Tindal and Hively continue the discussion of lessons learned by focusing on other recent data privacy cases, as well as drawing from their experiences as defense counsel for public entities. They provide recommendations for preserving data prior to litigation and responding to MGDPA requests that may occur prior to or during a lawsuit.

PLEASE CUT ALONG DOTTED LINE

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1. Complete the online registration form at MCIT.org/training-calendar/
2. Complete the form at right and return it to MCIT
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Payment can be sent separately from registration.

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*Cancellation Policy: Individuals registered for the program will not be billed for cancellations received at least one week prior to the first session (by April 20, 2018). Cancellations received after this deadline will be billed for the entire registration fee.