

WINONA POLICE DEPARTMENT

NUMBER: 103-11 PAGES: 2

EFFECTIVE DATE: July 27, 2004

SUBJECT: DATA PRIVACY ADVISORY AND REQUEST FORM

1.0 PURPOSE:

It is the purpose of this general order to establish policy and procedures for the use of the Data Privacy Advisory and Request form by members of this department.

2.0 POLICY:

2.1 It is the policy of this department, in accordance with Minnesota State Statutes Section 15.1611-15.1699, known as the Minnesota Government Data Practices Act, that the Winona Police Department may withhold public access to data on individuals to protect the identity of individuals in certain circumstances.

2.2 It is further the policy of this department that such information shall be withheld “when access to the data would reveal the identity of a victim of, or a witness to a crime, if the victim or witness specifically requests that his identity not be revealed, and the department reasonably determines that revealing the identity would threaten the personal safety or property of the individual.”

2.3 All requests of this nature, in accordance with the above-stated law, shall be handled in the manner as prescribed in the procedures outlined in this general order.

3.0 PROCEDURE:

3.1 The form shall be completed in the following cases:

3.1.1 When a victim of a crime or witness to a crime specifically requests that his/her name be withheld because he/she feels that public disclosure of his/her identity would threaten his/her personal safety or property.

3.1.2 When the investigating officer feels it is in the best interest of the victim or witness to advise him/her of the law and complete the form in the manner prescribed.

3.2 The person making the request is required to sign the advisory and request form in both places as indicated.

3.3 The officer shall inform the victim or witness that the completion of the form does not guarantee that the information will automatically be withheld, but is merely a request to consider non-disclosure.

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3.4 The form is not necessary for those victims or witnesses that are already protected by the Data Practices Act, such as the victim of a sexual assault, any juvenile victim or offender, the identity of a police undercover agent, or the identity of a police informant.

3.5 The completed request and advisory form will be submitted to the Shift Supervisor or Bureau Commander for evaluation as soon after completion as possible.