



## **Prairie Island Indian Community Data Privacy Ordinance<sup>1</sup>**

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<sup>1</sup> Note of Adoption and Amendment: The Tribal Council adopted a Freedom of Information Ordinance on June 19, 1997, by Resolution Number 97-6-19-76. The Tribal Council rescinded and replaced that Ordinance with this Data Privacy Ordinance on March 15, 2005, by Resolution Number 05-03-14-49. The Community Council reformatted this Ordinance on December 11, 2024, by Resolution Number 24-12-11-297, to increase the usability of this Ordinance and of tribal law and to add Notes of Amendment summarizing the legislative history of this Ordinance. The Notes of Amendment are for convenience only and should not be relied on as mandatory authority.

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**Section 1. Short Title.** This Ordinance shall be known and may be cited as the Prairie Island Indian Community Data Privacy Ordinance.

**Section 2. Statement of Purpose, Findings, and Authority.**

- a. Purpose. The purpose of this Ordinance is to provide guidance as to the classification, release, or inspection of data in the possession of the Prairie Island Indian Community and its various subdivisions and enterprises. The presumption of this Ordinance is that Community data shall be considered protected private information unless the Ordinance states otherwise.
- b. Findings. [reserved].
- c. Authority. [reserved].

**Section 3. Definitions.**

- a. “Business Enterprise Data” means all data created, collected, received, or maintained by any for-profit business entity owned or operated by the Community.
- b. “Community” means the Prairie Island Indian Community in the State of Minnesota, a federally recognized Indian Tribe.
- c. “Community Council” means the constitutionally authorized governing body of the Community, also known as the “Tribal Council.”
- d. “Community Government” means the Community Council and all Prairie Island Indian Community governmental subunits. It does not include the Prairie Island Indian Community Gaming Commission or Community for-profit business entities.
- e. “Community Member” or “Member” means an enrolled member of the Prairie Island Indian Community.
- f. “Gaming Commission Data” means all data created, collected, received, or maintained by the Prairie Island Indian Community Gaming Commission.
- g. “Government Data” means all data created, collected, received, or maintained by the Community Government. It does not include Business Enterprise Data, Gaming Commission Data, or Tribal Court Data.
- h. “Partially Protected Member Information” means any Government Data, Gaming Commission Data, Business Enterprise Data, or Tribal Court Data that may be inspected only by a Member. A Member may inspect such data but shall not be allowed to copy it.
- i. “Personal Material” means any Government Data, Gaming Commission Data, Business Enterprise Data, or Tribal Court Data that contains information that could be readily associated with particular individuals, specifically including health information (individually identifiable information about a person’s past or present health or the past, present, or future provision of health care).

- j. “Protected Private Information” means any Government Data, Gaming Commission Data, Business Enterprise Data, or Tribal Court Data that may not be inspected or copied by any person except as may be specified in this Ordinance.
- k. “Unprotected Public Information” means any Government Data, Gaming Commission Data, Business Enterprise Data, or Tribal Court Data that may be inspected and copied by any person.
- l. “Tribal Court” means the Prairie Island Mdewakanton Dakota Community Tribal Court.
- m. “Tribal Court Data” means all data created, collected, received, or maintained by the Tribal Court.

**Section 4. Applicability.** [reserved].

**Section 5. Access to Data in Course of Duties.** A Community Council Member, an employee of the Community Government or business enterprise or Gaming Commission or Tribal Court, a contractor with the Community, or an appointee of the Community Council shall have access to all Government Data, Gaming Commission Data, Business Enterprise Data, or Tribal Court Data, regardless of its classification, if such data is needed in order to reasonably carry out such person’s duties. However, any data so accessed shall not be made public or made available to other Members except as provided in this Ordinance.

**Section 6. Provision of Compilations of Data to the Federal Government.** The Community Government, business enterprises, Gaming Commission, and Tribal Court may in their discretion provide federal government agencies with compilations of data that do not identify particular individuals, if such compilations are required by law or serve the interests of the Community as a whole.

**Section 7. Government Data.**

- a. Unprotected Public Information. The following Government Data shall be Unprotected Public Information: Community Constitution; duly enacted Community Council ordinances, laws, and regulations; names of duly elected officers of the Community Council; final vote tallies in Community regular and special elections; referendum votes conducted pursuant to the Constitution; names of enrolled Members of the Community; data that is required by law to be publicly posted; and agreements, contracts, or compacts between the Community Government and other governments. A person may obtain access to such Unprotected Public Information by submitting a written request to the Community Council. The Community Council shall make such information available within five (5) business days after receipt of the request.
- b. Partially Protected Member Information. The following Government Data shall be Partially Protected Member Information: minutes of Community Council meetings, except those portions of minutes of executive sessions; proposed resolutions, ordinances, laws, and regulations that were the subject of a vote by the Community Council; land descriptions and title status of Community-owned land; leases and assignments of Community-owned land; signed loan documents for loans from the Community to its Members or to outside entities; signed loan documents for loans

from outside entities to the Community; annual Community Government audit; signed contract documents for contracts with the federal government; and annual Community budget. A Member may obtain access to such information by submitting a written request to the Community Council. The Community Council shall make such information available for inspection by a Member within five (5) business days after the request; however, the Member may not photocopy or otherwise duplicate such data.

- c. Protected Private Information. The following Government Data shall be Protected Private Information: personal material except as otherwise provided in subsections (a) and (b) of this Section; signed contracts between the Community Government and private entities or individuals; and all other data that is not Unprotected Public Information or Partially Protected Member Information under subsections (a) and (b) of this Section. An individual who is the subject of Personal Material appearing in Government Data may obtain access to such material as it relates to them by submitting a written request to the Community Council or to the head of the relevant governmental subdivision. The Community Council or the relevant governmental subdivision shall make the Personal Material available within five (5) business days of the request, but only to the person who is the subject of the Personal Material. Such person may inspect and copy the information. If the Personal Material sought to be inspected also contains Personal Material relating to other individuals, the material shall be put in a form that protects the privacy of the other individuals. An individual who is the subject of Personal Material appearing in Government Data may also authorize release of information contained in that material to others (for example, to verify employment), by submitting a written request to the Community Council or to the head of the relevant governmental subdivision.
- d. Notwithstanding subsections (b) and (c) of this Section, the Community Council in its discretion and by formal resolution may designate specified Government Data as Unprotected Public Information or Partially Protected Member Information or may release Government Data under such restrictions as it deems desirable; provided that Personal Material that includes health information will be used or disclosed in accordance with applicable federal laws or regulations.

**Section 8. Gaming Commission Data.**

- a. Unprotected Public Information. The following Gaming Commission Data shall be Unprotected Public Information: names and terms of Gaming Commission members; Gaming Commission regulations and formal operating procedures; and written orders or decisions of the Gaming Commission. A person may obtain access to such Unprotected Public Information by submitting a written request to the Gaming Commission. The Gaming Commission shall make such information available within five (5) business days after receipt of the request.
- b. Protected Private Information. All Gaming Commission Data that is not Unprotected Public Information under subsection (a) of this Section shall be Protected Private Information. An individual who is the subject of Personal Material appearing in

Gaming Commission Data may obtain access to such material as it relates to them by submitting a written request to the Gaming Commission. The Gaming Commission shall make the Personal Material available within five (5) business days of the request, but only to the person who is the subject of the Personal Material. Such person may inspect and copy the information. If the Personal Material sought to be inspected also contains Personal Material relating to other individuals, the material shall be put in a form that protects the privacy of the other individuals. An individual who is the subject of Personal Material appearing in Gaming Commission Data may also authorize release of information contained in that material to others (for example, to verify employment), by submitting a written request to the Gaming Commission.

- c. Notwithstanding subsection (b) of this Section, the Gaming Commission may allow access to or transmit Gaming Commission Data to the National Indian Gaming Commission as authorized by federal law and pursuant to a valid request from the National Indian Gaming Commission. This subsection does not authorize access to or the transmission of Gaming Commission Data that relates to the deliberative processes of the Gaming Commission.
- d. Notwithstanding subsections (b) and (c) of this Section, the Gaming Commission in its discretion and by formal resolution may designate specified Gaming Commission Data as Unprotected Public Information or Partially Protected Member Information.

## **Section 9. Business Enterprise Data.**

- a. Unprotected Public Information. The following Business Enterprise Data shall be Unprotected Public Information: names of the management officials of the enterprise; minimum internal control standards adopted pursuant to federal and tribal law; and formal written policies and procedures that are distributed to employees. A person may obtain access to such Unprotected Public Information by submitting a written request to the manager of the business enterprise. The manager shall make such information available within five (5) business days after receipt of the request.
- b. Partially Protected Member Information. The following Business Enterprise Data shall be Partially Protected Member Information: annual audits and annual budgets.
- c. Protected Private Information. The following Business Enterprise Data shall be Protected Private Information: financial records other than those identified in subsection (b) of this Section; personnel records; and all other Business Enterprise Data that is not Unprotected Public Information or Partially Protected Member Information under subsections (a) and (b) of this Section. An individual who is the subject of Personal Material appearing in Business Enterprise Data may obtain access to such material as it relates to them by submitting a written request to the manager of the business enterprise. The business enterprise shall make the Personal Material available within five (5) business days of the request, but only to the person who is the subject of the Personal Material. Such person may inspect and copy the information. If the Personal Material sought to be inspected also contains Personal Material relating to other individuals, the material shall be put in a form that protects the privacy of the other individuals. An individual who is the subject of Personal

Material appearing in Business Enterprise Data may also authorize release of information contained in that material to others (for example, to verify employment), by submitting a written request to the manager of the business enterprise.

- d. Notwithstanding subsections (b) and (c) of this Section, the Community Council in its discretion and by formal resolution may designate specified Business Enterprise Data as Unprotected Public Information or Partially Protected Member Information, or may release Business Enterprise Data under such restrictions as it deems desirable.
- e. Notwithstanding subsections (b) and (c) of this Section, the general manager of Treasure Island Resort & Casino, or the general manager's delegate if a delegation has been made in writing, may in their discretion provide information relating to incident investigations, including surveillance tapes, to any law enforcement agency of the Community; any law enforcement agency of a subdivision of the State of Minnesota; the Tribal Court; or a court of the State of Minnesota. Requests for information relating to incident investigations shall be made in writing to the general manager or their delegate.

**Section 10. Tribal Court Data.**

- a. Unprotected Public Information. The following Tribal Court Data shall be Unprotected Public Information: complaints; written motions; written court orders, decisions, or dispositions; and the names of all judges and judicial employees. A person may obtain access to such Unprotected Public Information by submitting a written request to the Clerk of the Tribal Court. The Clerk of Tribal Court shall make such information available within five (5) business days after receipt of the request.
- b. Protected Private Information. Notwithstanding subsection (a) of this Section, any data involving children who are minors shall be Protected Private Information.
- c. Except as provided in subsections (a) and (b) of this Section, the Tribal Court in its discretion may make its own internal rules relating to the availability of other Tribal Court Data to the public or to Members.

**Section 11. Tribal Court Jurisdiction.** The Tribal Court shall have jurisdiction to adjudicate disputes arising under this Ordinance and to grant equitable relief; however, the Tribal Court shall not grant any damage awards in suits brought under this Ordinance.

**Section 12. Police Investigations.** Upon the request of a duly authorized state or Community police officer or prosecuting official, acting within the course of duty, and for the sole purpose of assisting in the investigation of a possible crime:

- a. The Community Council, in its discretion, may allow such officer or official to inspect or copy Government Data that otherwise would be protected information under this Ordinance.
- b. The Gaming Commission, in its discretion, may allow such officer or official to inspect or copy Gaming Commission Data that otherwise would be protected information under this Ordinance.

- c. The general manager of a business enterprise, or a person delegated by the general manager, in their discretion may allow such officer or official to inspect or copy Business Enterprise Data that otherwise would be protected information under this Ordinance.
- d. The Chief Judge of the Tribal Court, in their discretion, may allow such officer or official to inspect or copy Tribal Court Data that otherwise would be protected information under this Ordinance.

**Section 13. Miscellaneous Provisions.**

- a. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances is not affected.
- b. [reserved].