



College Procedure for Responding to Law Enforcement Requests for Information

Riverland Community College has established this procedure as general guidance on responding to law enforcement requests for information or documents about employees or students. It is the policy of the college to respond to requests from law enforcement to the extent required or permitted by applicable data privacy laws.

A document listing common examples of public and not public data is attached and is also available at: www.ogc.mnscu.edu. Public information must be provided upon request within a reasonable time. The following guidance pertains primarily to requests for not public data. College officials should consult with Minnesota State Colleges and Universities System legal advisors for detailed assistance, where appropriate.

1. Subpoenas and Court Orders

All subpoenas and court orders delivered to the college must be reviewed by the Registrar. A subpoena or court order involving a staff or faculty member should be forwarded to the Human Resources Office. The authorized college administrator must, in most cases, consult with the Office of General Counsel or Attorney General's Office before complying with any subpoena or court order in order to ascertain validity.

Office of General Counsel FAX Number: 651 296-6580;
Attorney General's Office Education Division FAX Number: 651 296-7438.

Note that unless special circumstances apply, students must be given reasonable notice of the college's intent to comply with a subpoena or court order regarding information about them.

2. Signed Authorization for Release of Information

College officials may release private education or personnel records if presented with a release that is *signed* and dated by the individual subject whose records are at issue. The release should specify the records that are authorized to be released and to whom the release is authorized. A copy (including fax copy) of a release may be honored; an e-mail alone is not legal authorization. Where feasible, the identity of the requesting party and authenticity of the subject's signature should be verified in an appropriate manner before complying.

3. Request to Interview a Student or Employee

If room is available, the college may permit law enforcement officials to utilize its facilities to interview a college student or employee. If the request is to interview a student, law enforcement shall not be provided with information about the student's location unless law enforcement presents information that a health or safety emergency exists that requires immediate access. In the case of a student interview, Academic Dean or Designee should meet the student at his/her classroom and inform him or her of the law enforcement request and the location of the interview room. In the case of an employee, a designated representative of the Human Resources Office should contact the employee to inform him/her of the interview request and location.

The student or employee should be advised that participation in the interview is not a college or employment requirement and that the room is being provided only as a convenience for all parties. College officials should not attend or participate in a law enforcement interview.

If law enforcement wishes to interview an employee or student worker, the college should remind him/her that they may not disclose not public college data including, but not limited to, private education or personnel information without legal authorization.

4. Letter or Verbal Requests

A state or federal law enforcement agency that requests not public information verbally or by letter (with no subpoena or court order) should be advised that prior legal authority to release such information must be established. Legal authority may be established by citation to a federal or state law that requires disclosure of the information to the requesting agency (verified by the Office of General Counsel or Attorney General's Office) or by presenting a valid subpoena or court order, as described above.

5. Search Warrants

If a law enforcement officer presents a search warrant, the college must immediately comply by providing access as described. Do not provide not public information that is not covered by the search warrant.

Request identification of the law enforcement official(s) executing the warrant; request an opportunity to copy any documents seized. Retain a copy of the search warrant.

Designate an administrator to contact the Office of General Counsel or Attorney General's Office to advise them of the execution of the search warrant as soon as practicable.