



**STATE OF MINNESOTA
CONTINUITY OF
OPERATIONS PLAN

AGENCY TEMPLATES**

DECEMBER 31, 2003

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Summary

The Governor's Order Assigning Emergency Responsibilities to State Agencies (Executive Order **xxxxx**) requires all state agencies to have a Continuity of Operations Plan. The Division of Homeland Security and Emergency Management from the Department of Public Safety awarded the Department of Administration a grant to develop a document that will assist State agencies in continuity of operations planning.

A continuity of operations plan contains all of the information that an agency needs to recover its services in the event of an emergency. Typically a plan contains policies that govern the plan, databases of information such as employee, vendor and customer information and procedures or scripts that provide specific instructions to implement recovery of services. Plan development is an arduous process that requires the support of the executive management of the agency and staff dedicated to the project. The plan should be maintained through exercise and revision. Although all agency employees may have roles in the execution of the plan, smaller planning teams accomplish plan development more efficiently.

The Continuity of Operations Plan Prototype consists of three parts, the prototype itself plus two supporting documents. The prototype is an outline and description of the requirements of a complete continuity of operations plan. It follows the same logical order that this information should appear in the plan. The first supporting document is the Continuity of Operations Plan State Policies, Procedures and Guidelines. This document contains the policies that govern all state agencies and should be followed in the event of a business interruption as well as procedures and guidelines provided by State agencies regarding the services they provided other State agencies. Agencies may need to develop their own policies to supplement the state policies or operationalize them within their agency. The second supporting document, contained herein, is the Continuity of Operations Plan Agency Templates. This document contains templates any agency can use to write agency-specific continuity of operations foundation documents (explanatory document or guideline) or policies.

Each sample foundation document or policy is identified under its own heading. This document contains the most common and most often-required foundation documents and policies, however these may not be the only ones required.

Each document is provided as an example of how a foundation document or policy should be written. It may be able to be used verbatim by an agency, but more likely it should be edited and customized to fit an agency's needs. Each document is written so that areas that must be edited by each agency are found in brackets (<<>>). For example, any place the Agency name should be included appears like this <<AGENCY NAME>>. When a timeframe is noted it appears as <<XX>> hours or <<XX HOURS/DAYS>>. The timeframes for your agency should come from your recovery timeline. Use these templates as best suits your agency. Executive management of the agency should approve each policy before it can be put into effect.



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The Continuity of Operations Plan Prototype was completed December 31, 2003. For assistance using it, contact bcm.itg@state.mn.us.

Written Determination of Data Privacy

Under MN Stat. 13.37 "Security information" means government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury." The <<AGENCY>> has determined that its continuity of operation plan is "security information" within the meaning of 13.37. The information and planning contained in the report provides a roadmap to any individual or group wishing to take advantage of instances where business operation are disrupted to further harm or disable the Department's ability to maintain operations. The plan documents the agency's strategies, required resources (including personnel with home phone, address, etc. information) and procedures on how they will recover from an incident. Specifically, the continuity of operations plan provides an analysis of the threats and vulnerabilities the agency faces. It details the risks the agency is mitigating (and in what way) along with the risks that remain unmitigated. This information would be useful to those planning to tamper with or improperly use agency information or cause physical injury to property or persons. The plan identifies key employees and their role in the event of an incident. Access and use of such information either prior to or in response to an incident poses substantial risk to information, persons and property of the agency and therefore are being classified as security information.

Introduction to Plan

The purpose of this continuity of operations plan is to minimize disruption to the primary business of <<AGENCY NAME>> should a business interruption occur at <<ADDRESS>>. This objective can only be accomplished by pre-planning and by taking steps to limit any potential disruption to a predictable, acceptable period of time. The <<AGENCY NAME>> continuity of operations plan is based on a "worst case scenario" of total loss of the building and its contents. The plan or a sub-set of the plan can be modified and used in the event of a less significant incident. The continuity of operations plan is designed to recover time-sensitive services performed only at <<ADDRESS>>.

This continuity of operations plan was developed based on the findings of a business impact analysis (BIA) conducted <<DATE>>. The recovery strategies were developed based on analysis of the BIA and a risk analysis conducted <<DATE>>.

Administration of the <<AGENCY NAME>> continuity of operations plan is the responsibility of the Business Continuation Management Team (BCM). The BCM team will ensure that standards and procedures are developed to address the administration needs of its continuity of operations plan. All relevant, related documentation shall be attached to the <<AGENCY NAME>> continuity of operations plan.

As custodian and administrator of the <<AGENCY NAME>>'s continuity of operations plan, the BCM team must have a thorough knowledge of all continuity of operations plan contents. As a safeguard, there shall always be more than one person on the team with extensive knowledge of the structure and contents of the <<AGENCY NAME >>'s continuity of operations plan and all members of the BCM team shall be full participants in all continuity of operations plan maintenance and exercise activities.

In the event of a business interruption, the normal organization of the <<AGENCY NAME >> will work to continue the on-going, day-to-day operations of the agency. The <<AGENCY NAME >> focus will shift from the current structure and function of "business as usual" to the structure and function of an organization working towards survival and the recovery of time-sensitive services.

Depending upon the type of incident, plans may need to be executed for four planning phases. Each phase assumes that the alternate location(s) and materials necessary to support recovery, resumption, and restoration processes are in place (i.e. business recovery center, computer backup site, off-site backup files, etc.).

- Response: This phase involves the reaction to an incident or emergency. The goals of this phase focus on life-safety issues. It covers the period of time from the incident to the declaration of an emergency.
- Recovery: This phase involves initial resumption and production processing support for time-sensitive services and related computer and application systems. It covers the period from the time of emergency declaration up to <<XX HOURS/DAYS>>. During

this period of time, little or no computer test and development work may be done and only pre-determined time-sensitive computer applications are restored.

- Resumption: This phase involves the continuation of time-sensitive services. It covers the period from <<XX HOURS/DAYS>> to 30 days. During this period of time, little or no computer applications may be available for up to 2 weeks. Manual operating procedures will be followed until systems are restored. Non-time sensitive business processes will not be restored.
- Restoration of Facilities and Contents: During this phase, all transferred business and computer processing operations will be migrated from the alternate location(s) to the restored primary site or relocated to a new structure. Normal business operations and services will be re-established at the primary site and post-recovery operations will be completed.

Authority of Plan

In the event of a business interruption, the normal organization of the <<AGENCY NAME>> will shift into that of the continuity organization. The focus of the <<AGENCY NAME>> will shift from the current structure and function of standard operation procedures to the structure and function of an organization working towards continued existence and the recovery of time-sensitive services.

The <<AGENCY NAME>>'s Commissioner has assigned overall authority of and responsibility for the recovery of operations to the <<AGENCY NAME>>'s Emergency Management Team. The <<AGENCY NAME>>'s Commissioner has assigned responsibility for the execution of the <<AGENCY NAME>>'s continuity of operations plan(s) to the <<AGENCY NAME>>'s Business Continuation Management Team.

The <<AGENCY NAME>>'s Business Continuation Management Team is responsible for activating and deactivating all continuity teams.

The <<AGENCY NAME>>'s Commissioner will decide when the <<AGENCY>> will return to the authority of the normal organizational structure.

Team Roles and Responsibilities

Emergency Management Team (Response Phase)

The purpose of this team is to manage all emergency response activities and make all management decisions at the time of an actual event or exercise. This team will obtain information from the Facilities Recovery Team and Business Continuation Team. Membership will consist of Commissioner, Deputy Commissioner, Assistant Commissioner, Chief Information Officer, Chief Security Officer, chief Financial Officer, Public Information Officer, Legal Counsel, and Human Resources.

- **Planning Role**

- Create, review and finalize plan foundation documents
- Review, approve implementation of and funding of recovery strategy recommendations

- **Recovery Role**

- Emergency declaration
- Public and media relations
- Internal communications
- Direct all phases of recovery activities
- Ultimate decision-making authority in the recovery process
- Authorize emergency funding to re-stock equipment, software, etc.
- Submit the initial and subsequent damage reports to the Governor and the Legislature
- Handle primary Human Resources issues

Business Continuation Management Team (Response Phase)

The purpose of this team is to monitor and coordinate all phases of the plan. This team is a key liaison between all teams. Membership will consist of Business Continuity Coordinator, High Level Management, Technology Managers, Business Operations Managers, Risk Management Managers, Safety & Security Managers and Facilities Managers.

- **Planning Role**

- Analyze recovery strategies and bring recommendations to EMT for approval and funding, if needed
- Oversee Business Continuity Program

- **Recovery Role**

- Prepare alternate sites
- Develop and implement recovery strategies
- Liaison between teams
- Liaison between organizations and recovery centers

Facility Recovery Team (Response Phase)

The purpose of this team is to obtain damage assessment, manage salvage and restoration activities and prepare for return to original or new site. Membership will consist of support

staff from the following areas: Facilities, Safety & Security, Risk Management, and Hazardous Materials.

- **Planning Role**
Create damage assessment checklists, recovery scripts and determine resources
- **Recovery Role**
Damage assessment
Physical security of damaged site
Assist Emergency Management Team in estimating the period of outage
Initiate clean up efforts
Manage salvage and restoration activities
Assist in planning and returning to the original or new permanent site (works with Risk Management)

Support Services Team (Response Phase)

The purpose of this team is to provide all financial, administrative and logistic services during all phases of the plan as required until the affected facility has been completely restored or until normal business operations have been restored. Membership will consist of support staff from the following areas: Administrative Services, Logistics & Procurement, Financial Services, and Customer Service.

- **Planning Role**
Create recovery scripts and determine resources
- **Recovery Role**
Recovery support
Procurement and contracting
Logistic responsibilities
Finance and accounting
Clerical support for all alternate sites
Notifications of postal authorities, overnight deliveries, and other carriers
Payroll
Mailroom operations

Technology Recovery Team (Recovery Phase)

This team is activated in the recovery phase. The purpose of this team is to establish a centralized point of technology control, support and coordination at the recovery center. This team will be activated upon notification that a business interruption has been escalated and that the alternate site is currently being activated. Membership will consist of support staff from the following areas: Network, Servers, Operating System, Applications and Database.

- **Planning Role**
Create recovery scripts and determine resources

Recommend, develop and implement recovery strategies

- **Recovery Role**

- Acquire, install and recover required technology

- Verify operation condition of all pre-installed technology resources at recovery centers

- Coordinate all technology vendors

Service Recovery Teams (Resumption Phase)

These teams are activated during the resumption phase. The purpose of these teams is to resume time sensitive functions. Membership will consist of Service Team Leaders, Team Members

- **Planning Role**

- Create recovery scripts and determine resources

- **Recovery Role**

- Resume time sensitive services

Reporting Structure

The team leaders of the Facilities Team, Customer and Family Relations Team, Support Services Team, Technology Team and Service Teams report to a designated coordinator on the Business Continuation Management Team. The Business Continuation Management Team Coordinator reports to the Emergency Management Team.

Individual team members report directly to their Team Leader.

Creation Date: mm/dd/yyyy

Revision Date: mm/dd/yyyy

Approved by:

Title:

Plan Activation

The activation of the <<AGENCY NAME>> Continuity of Operations Plan (plan) will occur when an incident occurs that necessitates a response that is beyond the scope of standard operating procedures. Following their documented procedures, the Emergency Management Team (EMT), in conjunction with, the Business Continuation Management (BCM) Team will decide whether to declare an emergency.

Only the following selected personnel may activate the entire plan, or any phase thereof, and/or declare an emergency situation for <<AGENCY NAME>>: BCM Team's Leader or alternate, or the EMT's Leader or alternate. Upon declaration of an emergency, the BCM Team will decide to activate the entire plan, or any phase of the plan. Refer to the <<REPORT NAME>> for contact information.

The various recovery and resumption teams will be activated only as directed by the BCM Team. The managers of each service identified as time-sensitive will have the entire plan for the division. Each service plan has the following format: action plan summary, specific business operations attachments (e.g. resource and notification information), and action tasks.

During the Response Phase, the following teams and related plans will be activated:

- Emergency Management Team
- Business Continuation Management Team
- Facilities Team

During the Recovery Phase, the following additional teams and related plans will be activated:

- Technology Teams
- Support Services Team

During the Resumption Phase depending on the location of the incident, the following time-sensitive service teams and related plans will be activated:

- <<SERVICE #1 TEAM >>
- <<SERVICE #2 TEAM >>

During the Restoration Phase, all teams will be activated.

During the Recovery and Resumption Phases, all previously activated teams and related plans will remain activated until the BCM Team deactivates them.

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Plan Scope

The scope of this Continuity of Operations Plan includes time-sensitive services and processes, technology, and support areas of <<AGENCY NAME>>.

An emergency is considered to be any event, which would render any one of <<AGENCY NAME>>'s locations unusable or inaccessible for a period of time estimated to exceed <<XX HOURS/DAYS>>.

The plan was developed based on 'worst case scenario.' The worst case scenario for the <<AGENCY>> would be if the <<LOCATION>> were totally unusable or inaccessible and there was no salvageable equipment, data, documentation, etc.

Specific plans have been developed and teams have been identified for each <<AGENCY NAME>> time-sensitive service to ensure an orderly recovery of business operations and support functions. Each plan contains detailed emergency response, recovery, resumption and restoration responsibilities, as well as notification procedures. The entire process is managed and coordinated by the Business Continuation Management Team.

This plan will be activated in the event that <<LOCATION ADDRESS>> or a portion of <<LOCATION ADDRESS>> used by <<AGENCY NAME>> is involved in an emergency or is declared unusable for normal operations.

This plan addresses the recovery of <<SERVICES>>.

This plan does not address the recovery of <<SERVICES/LOCATIONS NOT COVERED>>.

Plan Objective

The objective of this continuity of operations plan is to facilitate and assist <<AGENCY NAME>> in resuming time-sensitive services and processes, technology, and support functions in a timely and organized manner so that <<AGENCY NAME>> continues as a viable and stable government entity after a business interruption.

The primary objectives of the plan are:

- Provide for the safety of <<AGENCY NAME>> employees and visitors.
- Provide communications and direction, scope and impact to stakeholders.
- Provide any necessary <<AGENCY NAME>> information and services to ensure the continuance of cash flow to the state and local government.
- Protect and minimize the potential loss of assets and resources.
- Focus on continuity of operations procedures, which resume services and processes within their recovery time objective.
- Build infrastructure (voice communications, command center, and alternate sites) for <<AGENCY NAME>>, where needed, to support a timely recovery.
- Effectively manage an immediate response to a business interruption at <<ADDRESS>>.
- Ensure minimal loss of critical records or data should a business interruption occur.
- Provide advanced information and education for employees and customers regarding their roles and responsibilities following a <<AGENCY NAME>> emergency declaration.
- Maintain, exercise and audit all aspects of the continuity of operations plan on at least an annual basis.

<<AGENCY NAME>> has employed the following approach to accomplish these planning objectives:

- Prevention by heightened employee awareness and preventative controls.
- Impact minimization by advanced preparation of pre-determined strategies and resources.
- Controlled response by definition and pre-assignment of recovery responsibilities by teams and tasks.

Plan Assumptions

The following assumptions were made in developing the Continuity of Operations Plan (plan) for <<AGENCY NAME>>.

This plan was developed based on the worst case scenario.

Local/Regional Emergencies:

Surface transportation in the area is available in the event of a local or regional emergency.

In circumstances involving a localized incident (i.e., limited to <<LOCATION ADDRESS>>), equipment vendors and local utility companies should be able to install replacement computer and communications hardware and telephone circuits in 5 to 10 calendar days. This assumes that replacement service/equipment orders are placed on an "emergency" basis at the time of the incident and that <<AGENCY NAME>> has available, or can quickly obtain and prepare, suitable alternate locations to serve as an interim/temporary recovery center for its time-sensitive services.

In the event of regional emergencies, such as a flood or tornado, the time required to acquire the necessary computer equipment and data circuits could be as long as 2 to 12 weeks. This would be due to multiple municipalities, services, facilities and businesses contending for the same emergency resources and services. Regional emergencies that cause widespread disruption of public utilities such as electricity, water and telecommunications may also cause additional delays in re-establishing the time-sensitive services of <<AGENCY NAME>>.

Available Personnel:

Key personnel or their alternates are available for the recovery effort. Sufficient management and staff, who are familiar with and trained in the procedures and tasks in the plan, will be available subsequent to the incident to implement response, recovery, resumption and restoration plans.

Building Security:

An event, which impacts <<LOCATION ADDRESS>>, would result in response and recovery support services provided by <<VENDOR>>. These support services would not be under the direct/indirect control of <<AGENCY NAME>> but could be vitally important to the successful response, recovery, resumption and restoration of <<AGENCY NAME>>'s time-sensitive services. This assumes only <<LOCATION ADDRESS>> has been damaged and all other office and agencies are functioning or have a recovery plan in place.

Documentation Files:

Business documentation and files that would be necessary for recovery purposes are backed up and stored off-site. Hard copies of current files can be re-created/reconstructed either from the microfilmed copies, from off-site copies of the file materials in other locations and/or from current computer files on the mainframe, midrange, telecommunications and/or PC/LAN

systems. If the file cannot be reconstructed, the <<AGENCY NAME>> will attempt to continue without the file.

Computer Files:

Backup requirements of agency have been assessed and a backup and rotation policy is in place. The policy has been approved by management and is sufficient to minimize the re-entry/re-construction of data and the recreation/forward recovery of files to current status.

Backup Storage Locations:

Off-site storage facilities and materials are available. All backup recovery items are stored off-site or can be easily and quickly obtained or created from other identified sources within <<XX>> hours, <<XX>> days a week. The backups are in a secured location that is sufficiently distant from the primary site so they will be unaffected by most interrupting events. These stored backups are considered to be the only resources available to implement recovery. All of the locations in which the backup items are stored are not affected by the emergency incident/situation and can be accessed.

Internal and External Contacts:

All information necessary to notify required internal and external contacts is documented and maintained in the plan.

Plan Documentation:

The level of documentation in the plan assumes that management and staff are familiar with the <<AGENCY NAME>> 's business operations and the requirements of its continuity of operations plan.

Recovery Time Frames:

The recovery time objectives identified in the business impact analysis are correct and have been approved by executive management.

Recovery Strategies

The following recovery strategy template documents the recovery strategies for the following sample agency.

Sample Agency:

Staff:

- 60 employees in central office

- 40 employees in field office that supports greater Minnesota

Provides 3 time-sensitive services:

- Employee Communications, Payroll, and Licensure

Technology:

- Maintains 1 file server, License Server – RTO of 10 days

- Accesses State Mainframe – RTO of 48 hours

- Voicemail system

 - RTO of 24 hours for 10 voice mail boxes

- Needs access to MAPS and SEMA4 within 24 hours

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The Emergency Management Team has approved the following recovery strategies for <<AGENCY NAME>>.

Alternate Locations

Central Office

Time-sensitive services: Employee Communications, Payroll, and Licensure
5 Employees will be relocated to other agencies for access to MAPS and SEMA4
10 Employees will be relocated to the field office
45 Employees will be relocated to a warm-site

Field Office

Time-sensitive services: Employee Communications and Licensure
5 Employees will be relocated to the Central Office
35 Employees will be relocated to the warm-site

Refer to << REPORT NAME>> report for details.

Technology Recovery

<<AGENCY NAME>> has contracted with a warm-site vendor in order to provide sufficient space and capacity to serve as an alternate computer facility for the License Server, Internet connectivity, printers, and workstations for designated employees.

Computer Files

The operating system software and data file libraries for the time-sensitive server is presently backed up using <<SOFTWARE NAME>>. Based on the current tape rotation schedule, the only data that could potentially be lost is the data that was entered into the system on the day of the disaster. Several layers of tape rotation have been implemented to minimize the risk of lost data due to a bad tape. All tapes are stored off-site and would be available within <<XX>> hours of a disaster. Refer to <<VENDORS REPORT>> for details.

Access to the MAPS and SEMA4 applications will be provided by agreements with other State agencies to use their workstations and facilities.

Data Communications

The warm-site vendor provides a T1 bandwidth connection to MNet, which provides the required connectivity to work area recovery sites within State-owned facilities.

Voice and Fax Communications

Ten voice mailboxes are needed to support identified time-sensitive services. Redundant inactive boxes were purchased with a local telecommunications vendor. Refer to <<REPORT

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NAME>> for details. Upon vendor notification, these redundant voice mailboxes will be activated within 24 hours.

The telecommunications vendor will forward all published fax numbers and business lines to warm-site. Refer to << REPORT NAME>> for details.

Vital Records

Copies of the “Operating Procedures Manuals” are stored on the local area network (LAN) and are included in the backup tapes stored off-site. Copies of the time-sensitive Software/Hardware Documentation Manuals are stored off-site. Refer to << REPORT NAME>> for details. All pre-printed forms, which cannot be replaced by Central Stores, are stored off-site. Other replacement documentation, manuals, and forms will be acquired on an “emergency order” basis at the time of disaster.

Office Equipment, Furniture and Supplies

Orders for office equipment, furniture, and supplies will be requisitioned on an “emergency order” basis from Central Stores at the time of a disaster.

Exercises

Every year, two 24-hour actual operations exercises will be conducted at the warm-site.

Audits

The Business Continuation Management Team is responsible for maintaining the plan and will update annually to account for changes in business services and environment.

Creation Date: mm/dd/yyyy

Revision Date: mm/dd/yyyy

Approved by:

Title:

Personnel Policy

The Appointing Authority or the Commissioner of Employee Relations may close a facility pursuant to the provisions of [Minn. Stat. § 43A.04, subd. 4](#), and Administrative Procedure 5.4. The Commissioner of Employee Relations (DOER) may authorize pay for time off because of the emergency. If the Appointing Authority declares an emergency during non-work hours, employees will be notified. Refer to << REPORT NAME >>.

Dependent upon scope and severity of the disaster, vacation or other leave for Emergency Management Team (EMT) members may be cancelled, consistent with provisions of the applicable collective bargaining agreement or plan.

If an emergency is declared:

- The EMT will determine the level of response, which employees will be needed and when and where they will report. Those employees will be notified by any means available. An individual serving as a member of the EMT or in a Team Leader position must provide contact information to the Business Continuation Management (BCM) Team for notification purposes. <<Agencies must write a Tennessee warning to gather this type of information from employees. Guidelines for writing the Tennessee warning are attached to the end of this document.>>
- If the EMT cannot contact a Team Leader or an alternate of any recovery team, the EMT will serve as the leader of that team and follow recovery procedures of that team until a member of the team can be reached. (Refer to << REPORT NAME >> for appropriate contact numbers.) The << REPORT NAME >> is not public information and can only be accessed by agency staff for the purposes of this policy.
- The EMT Team Leader or his/her alternate will place a message on the emergency contact line with instructions for agency employees.

Creation Date: mm/dd/yyyy

Revision Date: mm/dd/yyyy

Approved by:

Title:

Emergency Payroll Policy

It is the responsibility of the <<AGENCY NAME>> to develop continuity of operations plans to address on-going submission of personnel and contractor payroll data into SEMA4 following a business interruption.

Responsibility for development and maintenance of a procedure to address payroll data entry for the <<AGENCY NAME>>, in the event of a business interruption, shall be managed and coordinated by the Support Services Team.

In the event that the Department of Finance is not also impacted by a business interruption, the Department of Finance has agreed to provide limited space for <<AGENCY NAME>> personnel to enter SEMA4 transactions until network connectivity and system interfaces are restored.

Creation Date: mm/dd/yyyy

Revision Date: mm/dd/yyyy

Approved by:

Title:

Critical Vendor Payments Policy

It is the responsibility of the <<AGENCY NAME>> to develop continuity of operations plans to continue critical vendor payments in the event of a business interruption.

The process of making critical vendor payments for the <<AGENCY NAME>> in the event of a business interruption shall be managed and coordinated by the Support Services Team.

In the event that the Department of Finance is not also impacted by a business interruption, the Department of Finance has agreed to provide limited space for <<AGENCY NAME>> personnel to enter MAPS transactions until network connectivity and system interfaces are restored.

Creation Date: mm/dd/yyyy

Revision Date: mm/dd/yyyy

Approved by:

Title:

Emergency Deposit Policy

It is the responsibility of the <<AGENCY NAME>> to develop continuity of operations plans to address the deposit of monies received, on a daily basis, following a business interruption.

Responsibility for development of a procedure to address daily deposits for the <<AGENCY NAME>> in the event of a business interruption shall be managed and coordinated by the Support Services team.

In the event that the Department of Finance is not also impacted by a business interruption, the Department of Finance has agreed to provide limited space for <<AGENCY NAME>> personnel to enter MAPS transactions until network connectivity and system interfaces are restored.

Creation Date: mm/dd/yyyy

Revision Date: mm/dd/yyyy

Approved by:

Title:

Emergency Acquisitions of Goods and Services Policy

Materials Management Division (MMD) of the Department of Administration has knowledge and background on the acquisition of any goods or services that <<AGENCY NAME>> may need to procure during an emergency. In the event of an emergency contact the Acquisition Management Specialist at MMD before making an emergency purchase if time permits. If time does not permit, the <<AGENCY NAME>> will act promptly to address the emergency and notify MMD later. When possible, any procurement conducted in response to an emergency should be discussed with MMD. The <<AGENCY NAME>>'s acquisition specialist will be a part of the Support Services Team (SST). The acquisition management specialist will be the go between for this agency and MMD.

The definition of an emergency for procurement was made based on the review of Minnesota Statutes, section 16C.10, subd. 2 **and Authority for Local Purchase (ALP), 1.6 Exceptions to Levels of Authority 1.6.1 Emergencies** and <<AGENCY STATUTE THAT APPLIES TO DECLARING AN EMERGENCY>>. Emergency as defined by <<AGENCY NAME>> for procurement, means any situation that arises that threatens the function of this agency, the protection of property, or the health or safety of people. Specific events that would be classified as an emergency would be <<IDENTIFIED EMERGENCY>>. The recovery time objective for the services <<AGENCY NAME>> provides are found in the Recovery Timeline found in this plan. An emergency will be declared based on the event and the maximum allowable downtime of the service on the Recovery Timeline. The Emergency Management Team (EMT) will be the team that can declare an emergency for <<AGENCY NAME>>. If a situation occurs that could trigger an emergency that has not been pre-identified the EMT will review the situation and the Recovery Timeline and use their best judgment to determine whether or not to declare an emergency.

In the event of an emergency, <<AGENCY NAME>> can exceed their delegated purchasing authority and do not need to follow the solicitation process as managed by MMD. In all cases where action has been taken in response to an emergency, <<AGENCY NAME>> will report the incident to the MMD Acquisitions Manager, in writing, as soon as possible. The report must include a description of the emergency, the action that was taken and the cost of goods and/or services purchased in response to the emergency.

<<AGENCY NAME>> is required to expend funds prudently and in a manner consistent with the state's best interests. Every reasonable opportunity to mitigate expenses will be considered including the use of other state resources such as surplus property or shared-service arrangements. Any questions or decisions that need to be made around emergency procurement will be brought to the EMT for consideration and resolution. Further, emergency authority will only be used to the extent necessary to resolve the imminent threat. Longer-term solutions will be implemented utilizing standard procurement procedures once the emergency is over.

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The Support Services Team (SST) will manage emergency purchasing. The SST will track expenditures in such a way that it will be easily auditable. The recovery teams that have emergency purchasing power are the EMT, SST, the Business Continuation Management Team (BCM), and the Facilities Team. Any emergency purchasing required by any other recovery team will be handled through the SST with authorization by the EMT.

All paperwork for emergency procurement of goods or services will be funneled to the SST. Any purchase orders, purchasing card slips, tracking logs will be routed to the SST. Employees will track any expenses incurred due to the emergency. Employee expense reports and purchasing logs will be turned in to the SST in a timely fashion or as requested by the SST.

The SST will have access to MAPS at their alternate location. If there is not access to MAPS for purchasing <<AGENCY NAME>> will use manual procedures to do purchasing. Paper purchasing orders and logs that are kept offsite will be used to track emergency purchasing.

<<AGENCY NAME>> will use purchasing cards during an emergency for procurement of goods and services. The following teams will have purchasing cards: EMT, BCM, SST and Facilities Team.

Supplies for the recovery effort will be purchased through the Office Supply Connection. The SST will be responsible for informing Office Supply Connection of the recovery needs and the delivery location of the supplies. If Office Supply Connection cannot meet the delivery timeframe, the SST will use a local office supply vendor to purchase minimal supplies until such a time that Office Supply Connection can meet the SST request.

Local Spending - during an emergency, local spending for group meals at the recovery locations will be purchased by the SST and provided to the recovery teams. In the event of a recovery shift that lasts more than 12 hours the SST can use local taxi services to get recovery team members home safely. Local hotel rooms can be reserved for those team members that live over 25 miles from the recovery center and need to return to the recovery center in a short amount of time. The SST will get authorization from the EMT before local hotels are reserved.

Creation Date: mm/dd/yyyy
Revision Date: mm/dd/yyyy
Approved by:
Title:

Escalation Guidelines

The purpose of this document is to provide guidelines for management to determine when to escalate an event and declare an emergency.

For a building-related incident, the <<TEAM NAME AND POSITION OF TEAM RESPONSIBLE FOR BUILDING EMERGENCIES>> will alert the Emergency Management Team's (EMT) - Business Continuity Officer and provide an estimated time for resumption of operations.

For any technology-related incidents, the <<TEAM NAME AND POSITION OF THE TEAM RESPONSIBLE FOR TECHNICAL OUTAGES>> will alert the EMT - Business Continuity Officer and provide an estimated time for resumption of operations.

When the outage is approaching <XX HOURS/DAYS>, the EMT - Business Continuity Officer will follow the command center activation procedures and notify the remaining members of the EMT. The EMT will meet at the command center to discuss the impact on business operations if repairs do not work and the probability of exceeding the recovery time objectives. The EMT will determine whether or not to declare an emergency after reviewing the recovery timeline and discussing the following:

Assess the risk of continuing to repair:

- Review success rates of previous attempts to resolve similar outages.
- Are the correct people involved?
- Has the problem gotten better or worse?
- How effective has the diagnosis been?
- What tangible evidence is there that the problem is fully understood?
- Has the process been side tracked by unforeseen events?

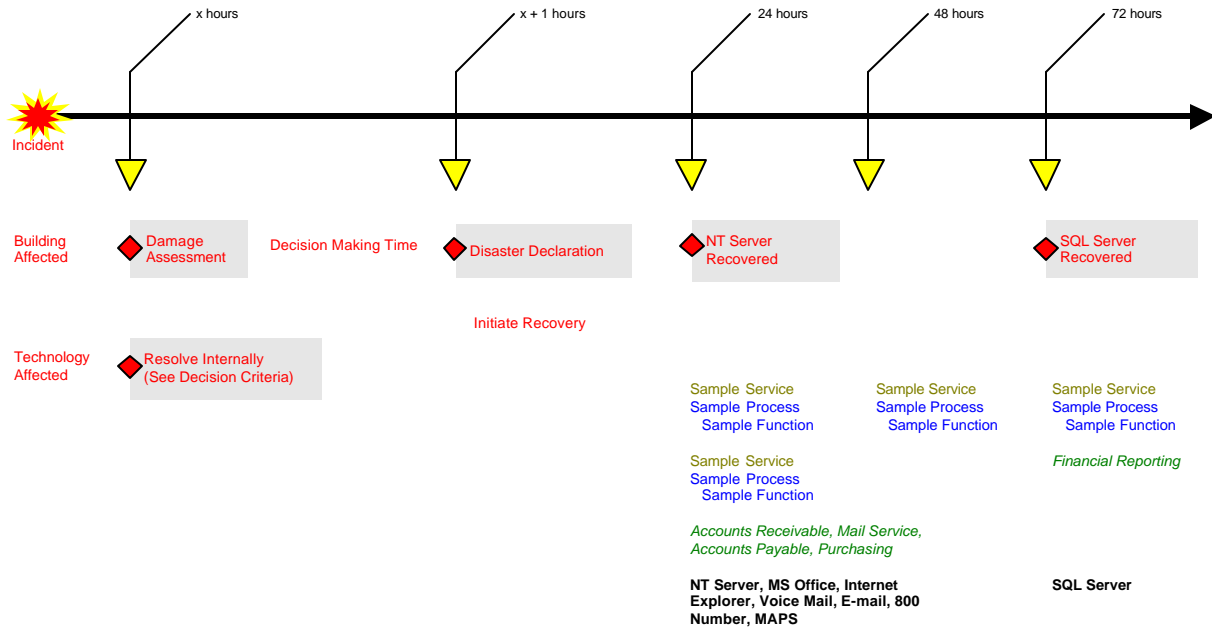
Assess the impact on business operations if repairs do not work:

- Can the recovery time objective of <<XX HOURS/DAYS>> be extended?
- Determine if outage occurred during a peak period.
- Determine if declaring an emergency is less costly than the outage.

STATE OF MINNESOTA CONTINUITY OF OPERATIONS PLAN AGENCY TEMPLATES

Recovery Timeline

Minnesota Sample Agency Recovery Timeline

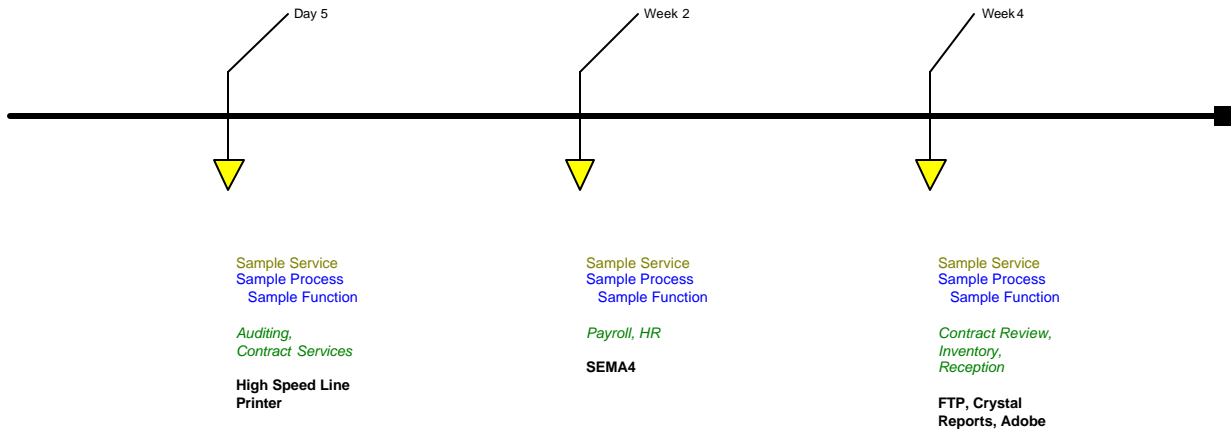


Key:

- ◆ Milestone
- Decision
- Business Service
- Business Process
- Functions
- Support Services
- Technology

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Minnesota Sample Agency Recovery Timeline



Key:

- ◆ Milestone
- Decision
- Business Service
- Business Process
Functions
- Support Services
- Technology

Creation Date: mm/dd/yyyy

Revision Date: mm/dd/yyyy

Approved by:

Title:

Statutory Compliance Procedures

Background

All Minnesota State agencies are tasked with assuming full responsibility for development and maintenance of their own emergency plans and procedures, including a continuity of operations (business continuation) plan. The full text of the Executive Order mandating these responsibilities, titled “*Assigning Emergency Responsibilities to State Agencies*”, is available on the Governor’s web site <http://www.governor.state.mn.us>, under “Executive Orders” or contact the Department of Public Safety, Division of Homeland Security and Emergency Management.

The Executive Order also charges that each agency is directly responsible for the execution of the emergency responsibilities assigned to that agency. The full text of the *Minnesota Emergency Operations Plan*, documenting the responsibilities of the applicable Minnesota State agencies, can be obtained by sending a letter describing who you are and why you are requesting a copy of the plan to:

ATTN: Request for MEOP
Minnesota Division of Emergency Management
444 Cedar Street, Suite 223
St. Paul, MN 55101-6223

<<Agency Name>> Statement of Statutory Compliance

The <<Agency Name>>, in practicing due diligence and to achieve compliance with the Governor’s Executive Order Assigning Emergency Responsibilities to State Agencies has developed and will maintain a continuity of operations plan. This continuity of operations plan, which includes an emergency response portion, is subject to the approval of the Emergency Management Team.

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Line of Succession

A line of succession for essential positions must be established, published and maintained to support the <<AGENCY NAME>>'s time-sensitive services. The line of succession should be of sufficient depth to ensure the <<AGENCY NAME>>'s ability to perform essential state services if an incident causes a major disruption to the <<AGENCY NAME>>.

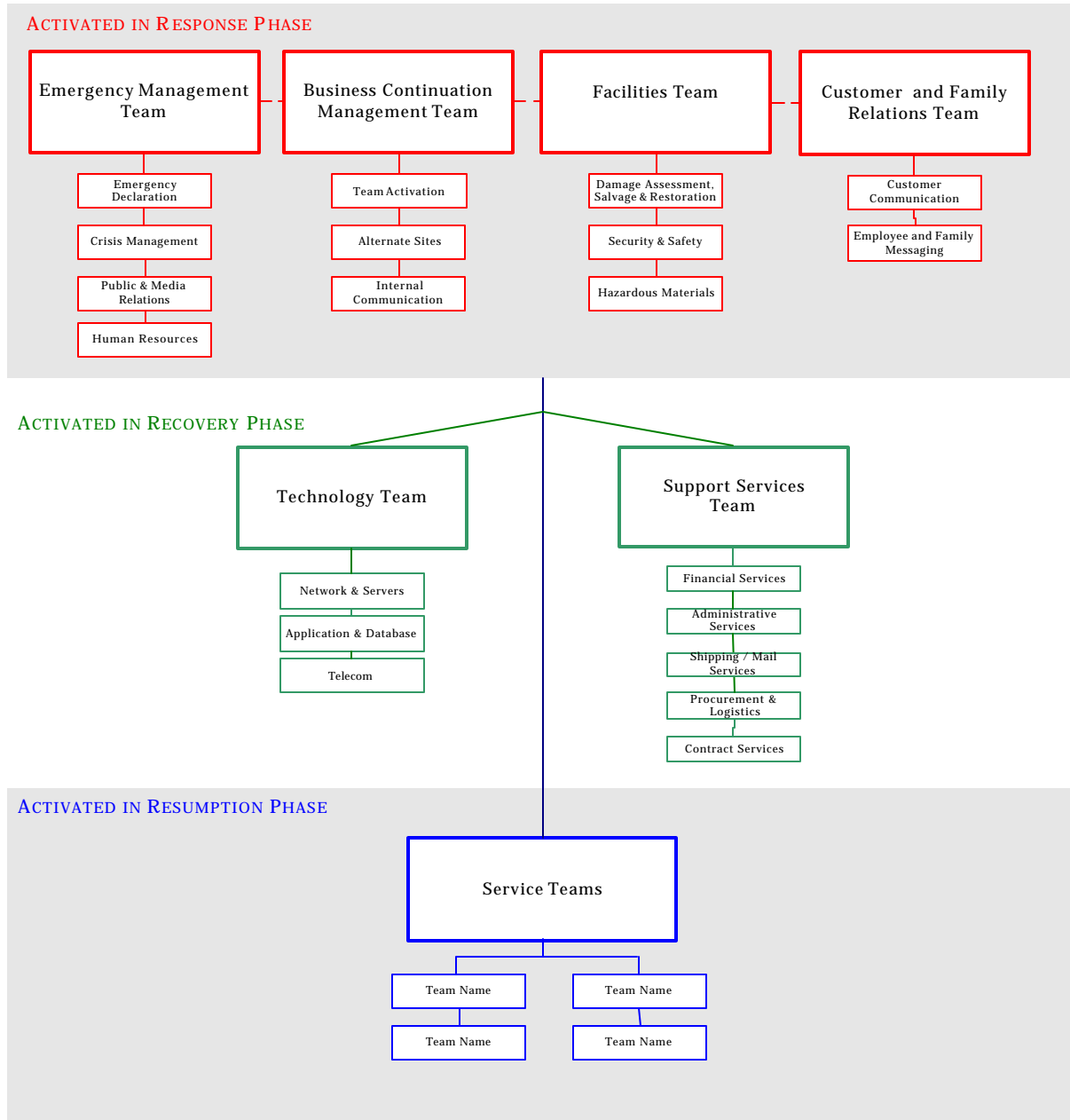
If a business interruption should render any individual in an essential position incapacitated, the following successor plan will be executed. The designated successors have been given the authority to act on behalf of the person who they succeed as noted under the responsibilities column.

Essential Position	Successor	Responsibilities	Condition
Commissioner	Deputy Commissioner	Serves as acting Commissioner until the Governor appoints a new Commissioner.	If the Commissioner is rendered incapacitated.
Deputy Commissioner	Assistant Commissioner – <<POSITION>> Assistant Commissioner – <<POSITION>> Assistant Commissioner – <<POSITION>>	Serves as acting Deputy Commissioner until Commissioner relieves of duty.	If both the Commissioner and Deputy Commissioner are rendered incapacitated. If appointed by Commissioner in the event the Deputy Commissioner is incapacitated. If appointed to that role by the Deputy Commissioner.
Assistant Commissioner – <<POSITION>>	Assistant Commissioner – <<POSITION>> Assistant Commissioner – <<POSITION>>	Manages both programs until relieved of AG-1's responsibilities.	If Assistant Commissioner – <<POSITION>> is in acting Deputy Commissioner role If Assistant Commissioner – <<POSITION>> is incapacitated.
Director – <<POSITION>>	Assigned Alternate	Performs <<POSITION>>duties assigned in Continuity of Operations Plan. Manages division until relieved of Director <<POSITION>> responsibilities	If current person is incapacitated.
<<ESSENTIAL POSITION>>	<<CROSSED TRAINED ALTERNATE>>	Performs <<TIME-SENSITIVE SERVICE>> until relieved of duty.	If current person is incapacitated.

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Recovery Team Structure

The following is a graphic representation of the recovery team structure for the <<AGENCY NAME>>. This reflects the overall team organization that will be employed during the response, recovery and resumption phases. All teams are activated in the restoration phase.



Communication Plan

Communications in the event of a business interruption at the <<AGENCY NAME>> must be clear and consistent in content. This policy segments the recipients of the information into four groups: employees, media, vendors and customers. Communications for each are handled separately and require reports contained in the Continuity of Operations plan.

Employee Communications

The <<AGENCY NAME>>'s <<REPORT NAME>> will be used for notification of all employees in the Response, Recovery, and Resumption phases. Employees will be given information regarding specific actions to take during an incident. Employees not assigned to a team will receive their initial notification from their supervisor. After the initial notification, these employees will be asked to listen to a designated radio or news station or to check a central information box for further updates from the Emergency Management Team's Crisis Communications Officer.

Media Communications

All incident-related information (printed or spoken) concerning the <<AGENCY NAME>> will be coordinated and issued to members of the press by the <<AGENCY NAME>>'s Emergency Management Team's Crisis Communications Officer or his/her designee. All media should be referred to the Emergency Management Team's Crisis Communications Officer as outlined in the Authorized Employee Media Statement found in the Continuity of Operations plan.

If the State Emergency Operations Center is activated as a result of the emergency, all communications will occur through the Joint Public Information Center (JPIC).

The list of media contacts that will receive all press releases issued by the <<AGENCY NAME>> during the recovery process can be found in the <<REPORT NAME>> report. This list may include all major Twin Cities media, local and greater Minnesota media, and other State agency communications directors.

Vendor Communications

The <<AGENCY NAME>>'s continuity of operations recovery teams will use the <<REPORT NAME>> report included in their respective plans to notify their vendors regarding the business interruption and specific actions to take during an incident. In many instances vendors have specific responsibilities in the recovery effort for the <<AGENCY NAME>>. Refer to the Vendor Responsibilities document for this information.

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Customer Communications

The <<AGENCY NAME>>'s <<TEAM NAME>> will use the <<REPORT NAME>> report to notify all <<AGENCY NAME>> key customers regarding the business interruption and specific actions to take during an incident. The Customer and Family Relations Team will determine a communication plan with the key customers at the time of the business interruption that will be in effect throughout the response and recovery phases of the plan activation. All other customers will be notified by <<AGENCY NAME>> press releases.

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Title:

Incident Notification Policy

This document provides two sample policies regarding incident notification. The first assumes the agency is a tenant in a state-owned building on the Capitol Complex, the second assumes the agency is a tenant in a leased building.

Sample 1 (Capitol Complex Building)

The purpose of this policy is to outline the responsibilities of <<AGENCY NAME>> employees and security staff in the event of an incident at <<ADDRESS>>.

Any <<AGENCY NAME>> employee working at <<ADDRESS>> who discovers a potential building disaster situation must notify Capitol Complex Security at 651-296-2100. Capitol Complex Security has been provided with an incident notification call tree, including the telephone numbers of Plant Management, the <<TEAM POSITION OF TEAM RESPONSIBLE FOR THE PHYSICAL BLDG>> and the Building Emergency Director. The Building Emergency Director will sound fire alarm and start the building evacuation procedures, if necessary.

After the safe evacuation of building occupants and authorization from the Incident Commander, Capitol Complex Security will alert the <<TEAM POSITION OF TEAM RESPONSIBLE FOR THE PHYSICAL BLDG>> and conduct a preliminary damage assessment of the building.

If the Incident Commander designates the <<ADDRESS>> facility inaccessible, an emergency will be immediately declared and the plan activated. A denial of building access normally lasts 48 hours or longer.

In the event of a non-building related incident, which does not involve Capitol Complex Security, Plant Management or the <<TEAM NAME RESPONSIBLE FOR THE PHYSICAL BLDG>>, the <<TEAM POSITION OF TEAM RESPONSIBLE TECHNICAL OUTAGES>> will notify the Emergency Management Team (EMT) - Business Continuity Officer using the standard operating procedures and available communication channels normally used.

<<DOCUMENT A SYNOPSIS OF THE STANDARD OPERATING PROCEDURES, INCLUDING UNDER WHAT CONDITIONS THE EMT - BUSINESS CONTINUITY OFFICER WILL BE NOTIFIED>>. If an outage reaches a severity level approaching the possibility of a emergency declaration, the normal communication channels will cease and all information to the public, customers and vendors will follow the Communication Plan.

Creation Date: mm/dd/yyyy
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Sample 2 (Leased Building)

The purpose of this policy is to outline the responsibilities of <<AGENCY NAME>> employees and security staff in the event of an incident at <<ADDRESS>>.

Any <<AGENCY NAME>> employee working at <<ADDRESS>> who discovers a potential building disaster situation must notify <<BUILDING SECURITY>> at <<PHONE NUMBER>>. <<BUILDING SECURITY>> has been provided with an incident notification call tree, including the telephone numbers of <<BUILDING MANAGEMENT>>, the <<TEAM POSITION OF TEAM RESPONSIBLE FOR THE PHYSICAL BLDG>> and the Building Emergency Director. The Building Emergency Director will sound fire alarm and start the building evacuation procedures, if necessary.

After the safe evacuation of building occupants, <<BUILDING SECURITY>> will secure all entrances to the building until emergency responders have taken over this responsibility. Access to the building will only be permitted when the Incident Commander has given the “all clear” and only to those persons who have been authorized and show proper identification. An authorized personnel list will be provided by the <<TEAM NAME>>’s <<TEAM POSITION>> to <<BUILDING MANAGEMENT>> who, in turn, will provide this information to <<BUILDING SECURITY>>. The <<TEAM POSITION OF TEAM RESPONSIBLE FOR THE PHYSICAL BLDG>> will work with the Incident Commander for a preliminary assessment when authorized to enter the facility.

If the Incident Commander designates the <<ADDRESS>> facility inaccessible, an emergency will be immediately declared and the plan activated. A denial of building access normally lasts 48 hours or longer.

In the event of a non-building related incident, which does not involve <<BUILDING SECURITY>>, <<BUILDING MANAGEMENT>> or the <<TEAM NAME RESPONSIBLE FOR THE PHYSICAL BLDG>>, the <<TEAM POSITION OF TEAM RESPONSIBLE TECHNICAL OUTAGES>> will notify the Emergency Management Team (EMT) - Business Continuity Officer using the standard operating procedures and available communication channels normally used.

<<DOCUMENT A SYNOPSIS OF THE STANDARD OPERATING PROCEDURES, INCLUDING UNDER WHAT CONDITIONS THE EMT - BUSINESS CONTINUITY OFFICER WILL BE NOTIFIED>>. If an outage reaches a severity level approaching the possibility of a disaster declaration, the normal communication channels will cease and all information to the public, customers and vendors will follow the Communication Plan.

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Revision Date: mm/dd/yyyy

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Title:

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Authorized Voice Mail Message

The following message should be put on individual voice mailboxes at the time of an emergency. This is the authorized message and is the only one that should be used. (Refer to plan for instructions to access voice mail system.)

“You have reached <<EMPLOYEE’S NAME>> at the <<AGENCY NAME>>. Our office located at <<ADDRESS OF IMPACTED FACILITY>> has experienced a business interruption. Please leave your name, number, and a brief message. I am able to access my voicemail and will return your call as soon as possible. Thank you.”

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Revision Date: mm/dd/yyyy

Approved by:

Title:

Authorized Employee Media Statement

Employees are authorized to make the following statement when questioned, in any capacity, about an emergency and recovery efforts. This policy and statement apply also to all personnel assigned to take phone calls transferred from the impacted facility to alternate locations.

"The <<AGENCY NAME>> has activated its continuity of operations plan. All time-sensitive services are being recovered at alternate locations. All inquiries for more information are being handled by our Crisis Communications Officer."

The questioned party should provide the inquirer with information on how to reach the Crisis Communications Officer or forward the call. Refer to <<REPORT NAME>> for the phone number at the Emergency Operations Center (EOC).

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Approved by:

Title:

Sample Press Release

Press Release

Issued By: <<Agency>>
<<DATE>>
<<TIME>>

Emergency Incident Summary

Incident description:

Current status of:
 Employees --
 Building --
 Operations --

Injuries [(include names, ages, condition (treated on-site, transported to hospital X and agency if available)]:

Damage:

Media contact/location:

Information updates will be available on the North Star state web site.

Statement

“Time-sensitive services are being resumed in an orderly and planned sequence,” said <<AGENCY NAME>> Commissioner, <<NAME>>. “Citizens and local governments can be confident that the <<AGENCY NAME>> is taking all actions possible to continue the services we provide on a regular basis.”

Time-sensitive services, including <<TIME-SENSITIVE SERVICES>>, are being resumed at alternate locations that have been prepared and tested as part of the agency’s continuity of operations plan.

A full assessment of the situation is underway. Updates on the status of the recovery will be provided when available.

Vendor Responsibilities

The purpose of this section is to define the communications procedures, responsibilities and specific critical information of vendors needed to respond and recover from an emergency.

Building Management Company <<Document specifics about vendor.>>

- Will be responsible for contacting local emergency services when any alarm is sounded. After contacting the local emergency services, <<VENDOR>> will contact the <<AGENCY NAME>> immediately.
- Will secure all entrances to affected building.
- Will coordinate security systems repairs at the damaged facility.
- Will provide initial damage assessment report to the Facilities Team Leader.
- Will take appropriate measures to prevent further damage to the affected site.
- Will be responsible for powering down the building equipment.
- Will have copies of the floor plans.
- In the event of an emergency, <<VENDOR>>'s command center would be located at <<VENDOR ALTERNATE LOCATION>>.

Building Security Company <<Document specifics about vendor.>>

- Will handle the building security 24/7 on site presence as needed during an incident.
- Will provide access to the site, to those persons who have been authorized and show proper identification.

Department of Administration <<Document specifics about vendor.>>

- Vendor will provide access to vehicles through state contracts, upon request, and completion of proper documentation. Vans will be provided, if available.
- Real Estate Management will locate space, upon notification of an emergency, and complete the proper documentation.
- Risk Management will provide salvage and restoration support upon notification of an emergency if insured.

Recovery Location Vendors <<Document specifics about vendor.>>

Hot-site Vendor Responsibilities:

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- Within 24 hours of notification of an emergency, <<VENDOR>> will activate and prepare the hot-site for the recovery effort and allow access to <<AGENCY NAME>> when ready.

Warm-site Vendor Responsibilities:

- Within 24 hours of notification of an emergency, <<VENDOR>> will activate and prepare the warm-site for the recovery effort and allow access to <<AGENCY NAME>> when ready.

Plan Maintenance and Exercising

Maintenance of <<AGENCY NAME>> Continuity of Operations Plans:

1. The Business Continuation Management Team (BCM) and other recovery team members identified in the continuity of operations plan must review and update all <<AGENCY NAME>> continuity of operations plans and procedures on an annual basis.
2. Each <<AGENCY NAME>> recovery team leader must maintain his/her part of the continuity of operations plan and procedures. Any revisions must be reviewed and approved by the BCM Leader and the Emergency Management Team (EMT).
3. Each team member will place a copy of this plan in several key and easily accessible locations, including his/her office and home. If kept at home, the team member must secure its status of private/nonpublic data.

Exercising <<AGENCY NAME>> Continuity of Operations Plans:

1. The <<AGENCY NAME>> will exercise its continuity of operations plan procedures using any of the following types of exercising:
 - a) Announced Exercise: Employees are prepared in advance for the exercise. The exercise objectives and scenarios are defined. Employees understand that it is an exercise and not an actual recovery operation and are aware of how the exercise will be evaluated.
 - b) Unannounced Exercise: Employees are not prepared in advance for the exercise. Exercise objectives and scenarios are explained at the initiation of the exercise.
 - c) Tabletop Exercise: May be announced or unannounced. This is a process of reviewing documentation needed for recovery to ensure that complete and accurate information for recovery is prepared and available.
 - d) Procedure Verification Exercise: Employees review the day-to-day operations using written recovery scripts.
 - e) Simulation Exercise: Employees walk through the procedures and explain what their roles and duties would be in the event of an actual disaster.
 - f) Actual Operations Exercise: Performed at a backup site, with assigned business continuation personnel executing their responsibilities without gaining access to primary site.

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2. Upon the conclusion of any exercise, debriefings must be conducted with all involved staff to review and revise, if necessary, the continuity of operations plan procedures.

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Title:

Conclusion

These Continuity of Operations Plan Agency Templates were completed through the collaboration of the Department of Public Safety and the Department of Administration. Funding was made possible through a grant from the Federal Emergency Management Administration. The following are the individuals responsible for the successful completion of the project.

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Review Team:

Donna Baker, Department of Revenue

Sharon Smith, Department of Public Safety, Division of Homeland Security and Emergency Management

Components of a Tennesen Warning

A Tennesen Warning is an explanation provided under M.S. 13.04 of the Data Practices Act when someone is asked to supply private or confidential data to a state agency. The warning must identify all of the following:

- The purpose and intended use of the data
- Whether the individual may refuse or is legally required to supply the requested data
- Any consequences arising from supplying or refusing to supply the data
- The identity of persons authorized by law to receive the data

The text of M.S. 13.04 is as follows:

13.04 Rights of subjects of data.

Subd. 1. **Type of data.** The rights of individuals on whom the data is stored or to be stored shall be as set forth in this section.

Subd. 2. **Information required to be given individual.** An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting State agency, political subdivision, or statewide system; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by State or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section [13.82](#), subdivision 7, to a law enforcement officer.

Subd. 3. **Access to data by individual.** Upon request to a responsible authority, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(b) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a state agency, political subdivision, or statewide system without regard to the requirements of section [138.17](#).

After completing, correcting, or destroying successfully challenged data, a state agency, political subdivision, or statewide system may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Subd. 5. **Education records; child with a disability.** Nothing in this chapter shall be construed as limiting the frequency of inspection of the educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority. An agency or institution may not charge a fee to search for or to retrieve the educational records. An agency or institution that receives a request for copies of the educational records of a child with a disability may charge a fee that reflects the costs of reproducing the records except when to do so would impair the ability of the child's parent or guardian, or the child who has reached the age of majority, to exercise their right to inspect and review those records.

HIST: 1974 c 479 s 4; 1975 c 401 s 4; 1977 c 375 s 7; 1980 c 603 s 12; 1981 c 311 s 9,39; 1982 c 545 s 4,24; 1984 c 436 s 5; 1Sp1985 c 14 art 1 s 3; 1986 c 444; 1987 c 351 s 2; 1988 c 670 s 1; 1994 c 647 art 3 s 1; 1999 c 227 s 2; 2002 c 379 art 1 s 1

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