

SUBJECT: Florida Public Records Act – Scope and Compliance	Effective Date: 7-13-05	Policy Number: 2-100.1	
	Supersedes: 2-100	Page 1	Of 4
	Responsible Authority: General Counsel		

APPLICABILITY/ACCOUNTABILITY:

This policy applies to all employees of the University of Central Florida.

GENERAL POLICY:

It is the policy of the University of Central Florida that all employees will comply with Florida's public records law and state retention schedules for public records.

DEFINITIONS:

Public Records. Florida's public records law, Chapter 119 of the Florida Statutes, defines public records as: *All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of physical form, or characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.* All documents and other written materials that are made or received pursuant to law or that are made or received in the transaction of official university business are public records which, regardless of form, are open for public inspection unless the legislature has specifically exempted them from disclosure. Electronic mail messages, if they meet these criteria, qualify as public records.

Public Records Request. A request by a member of the public for documents or items that are public records. No particular form or format is required for such a request.

Exemption. A provision in the law that dictates that certain documents or other written materials should not be produced in response to a public records request.

POLICY STATEMENT:

Most documents, including e-mail messages, created or received by University of Central Florida employees in connection with official business are public records. Employees may not delete public records in their possession or control except in accordance with the record retention schedules

applicable to UCF as a state university. Unless a public record is exempt by statute from disclosure pursuant to the public records statute, it must be produced to any person upon request. A person does not have to prove a "legitimate" need for public records to be entitled to inspect it.

State and federal laws exempt certain types of public records, or portions thereof, from disclosure under the public records law. Exemptions that frequently apply to University of Central Florida records include but are not limited to:

- a. academic evaluations of faculty
- b. student records pursuant to the federal and state Buckley Amendments, also known as the FERPA exemption
- c. social security numbers
- d. certain types of research records
- e. most direct support organization records
- f. personally identifiable medical information
- g. most benefit enrollment information
- h. bank and other financial information (e.g., credit card data)
- i. personal information regarding law enforcement officers or their families

Before documents are released pursuant to a public records request, any exempt documents or exempt information contained within documents must be removed.

All public records must be retained for a period of time that varies depending on the nature of the documents. Retention periods for public records can be found in the university's general records schedule at <http://dis.dos.state.fl.us/barm/genschedules/g05.doc>.

It is acceptable to retain in paper form documents that were originally sent in electronic form and vice versa. For example, employees may archive electronic mail messages for retention purposes or they may print mail messages to be filed and retained. Similarly, bulky files may be scanned into an electronic database and the original paper files discarded.

PROCEDURES:

Responding to a Public Records Request:

Public records requests may be made in writing or orally. A department receiving a request for public records may ask that the requestor put his or her request in writing for the sake of clarity, but may not require it. If a requestor declines to put his or her request in writing, the department receiving the request should write down the request with as much clarity as possible before forwarding the request for response.

The university must respond to a public records request within a reasonable period of time after receiving the request. What constitutes a reasonable period of time depends upon the circumstances surrounding the request, including the nature of the request, the size of the request, the likely quantity of records to be produced, whether extensive use of information technology resources or clerical services are required, and the timing of the request (i.e., whether holidays intervene).

All public records requests seeking university statistical data (such as student enrollment figures or lists of employees) should be forwarded to Division of Information, Planning, and Assessment, 12424 Research Parkway, Suite 225, Orlando, FL 32826-3207; (407) 882-0275.

All routine public records requests seeking student information should be forwarded to the University Registrar's Office, Millican Hall, Suite 161, Orlando, FL 32816-0114, (407) 823-3100.

All other public records requests (such as non-routine requests and media requests) should be referred to the Department of News and Information, University of Central Florida, 4000 Central Florida Blvd., Millican Hall Suite 338, Orlando, Florida 32816, (407) 823-2730.

These departments will coordinate the response to the request with the requestor and the appropriate department or unit in which the records are maintained.

The department chair or administrative supervisor of the department or unit in which the records are maintained is responsible for appointing one or more persons to gather the requested documents, and, if requested, make copies and forward the documents to the Division of Information, Planning, and Assessment or the Department of News and Information, which will then either arrange a time for inspection of the documents or deliver copies of the documents to the requestor. Documents that are exempt from the public records law will not be produced. Documents that are public records but contain exempt information will be produced after removing the exempt information. The determination of which documents or information are exempt from the public records law will be made by the Office of General Counsel.

If the person making the records has requested copies of the documents, the university may charge the requestor 15 cents per one-sided copy. In addition, if copying the public records requires extensive use of information technology resources or clerical and/or supervisory assistance, the university may assess a reasonable service charge based on the university's actual incurred costs. Reimbursement for these charges may be made to the department or unit that incurred the charge. An estimate of the charges will be given to the requestor and approval obtained prior to responding to the request. All charges will be collected before producing the documents.

RELATED INFORMATION:

Family Educational Right to Privacy Act (FERPA)

Records retention schedule - <http://dhis.dos.state.fl.us/barm/genschedules/g05.doc>

INITIATING AUTHORITY: General Counsel

POLICY APPROVAL (For use by the Office of the President)	
Policy Number: 2-100.1	
Initiating Authority: <u><i>W. Keith Cole</i></u>	Date: <u><i>7/25/05</i></u>
Policies and Procedures Review Committee Chair: <u><i>Beth Barnes</i></u>	Date: <u><i>July 25, 2005</i></u>
President or Designee: <u><i>Jon C. Hill</i></u>	Date: <u><i>7/27/05</i></u>