

SUBJECT: Florida Public Records Act—Scope and Compliance	Effective Date: 5-20-09	Policy Number: 2-100.2
	Supersedes: 2-100.1 7-13-05	Page Of 1 4
	Responsible Authority: Vice President and General Counsel	

APPLICABILITY/ACCOUNTABILITY:

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

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.*

POLICY STATEMENT:

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.

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. **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. Before documents are released pursuant to a public

3-205 Reimbursement for Travel Expenses I

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 and the state and local agencies' retention schedules (see Related Information for links to these schedules).

<http://dlis.dos.state.fl.us/barm/genschedules/g05.pdf> .

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, files may be scanned into an electronic database and the original paper files discarded.

PROCEDURES:

Receiving a Public Records Request:

Any department or office may be the recipient of a public records request. If the request seeks information that is in the possession or custody of the department or office receiving the request, then that department or office should accept the request and proceed to respond to it in accordance with the instructions below. If the department or office receiving the request is not the custodian of the records requested, then the request (or, if feasible, the requestor) should be forwarded to the appropriate department or office in possession or custody of the requested records. If the request seeks records held by multiple offices, any office which holds at least some of the records requested should receive the request and forward appropriate portions of the request to other departments or offices as needed. **The department should send a copy of the public records request to the Office of the General Counsel to provide guidance in determining what records are exempt from disclosure.**

Format for a Public Records Request:

There is no particular format for 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. A person does not have to prove a "legitimate" need for a public record to be entitled to inspect it.

Responding to a Public Records Request:

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) or demographic data should be forwarded to Office of Institutional Research, 12424 Research Parkway, Suite 215, Orlando, FL 32826-3269, (407-823-5061).

All media requests should be referred to the Department of News and Information, University of Central Florida, 12443 Research Parkway, Suite 301, Orlando, FL 32826-0091, (407) 823-5007.

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

All other requests should be handled by the department(s) or office(s) in possession or custody of the requested records. Any department or office may seek assistance from the Office of the General Counsel to determine how to respond to a request. Where records are requested from multiple departments or offices in one request, the request may be divided amongst those departments or offices or the Office of the General Counsel may intervene to coordinate the response to the request.

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 asked, make copies for the requestor. When the response to the request is being coordinated by another office, such as Institutional Research or the Department of News and Information, they may either arrange a time for inspection of the documents or provide copies of the documents to the requestor.

Public Record Exemptions:

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

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, unless the exempt information in the document is so extensive that removal is not feasible. The determination of which documents or information are exempt from the public records law will be made by the Office of General Counsel.

2-100.2 Florida Public Records Act—Scope and Compliance 3

Payment for Public Records Requests:

If the person making the records has requested copies of the documents, the university may charge the requestor 15 cents per one-sided copy or 20 cents per two-sided copy. In addition, if retrieving or 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 prior to responding to the request. All charges will be collected before producing the requested documents.**

RELATED INFORMATION:

Family Educational Right to Privacy Act (FERPA)

General records retention schedule for state and local agencies:

http://dhis.dos.state.fl.us/barm/genschedules/GS1-SL-2006_RevSept2007.pdf

<http://dhis.dos.state.fl.us/barm/genschedules/gs05.pdf> .

General records retention schedule for colleges and universities:

<http://dhis.dos.state.fl.us/barm/genschedules/gs05.pdf>

INITIATING AUTHORITY: Vice President and General Counsel

POLICY APPROVAL	
(For use by the Office of the President)	
Policy Number: 2-100.2	
Initiating Authority: <u>W. Koor Cole</u>	Date: <u>6/1/09</u>
Policies and Procedures Review Committee Chair: <u>Julian Salmeron</u>	Date: <u>5-22-09</u>
President or Designee: <u>John C. Hill</u>	Date: <u>6/2/09</u>

2-100.2 Florida Public Records Act—Scope and Compliance 4