



PUBLIC RECORDS REQUEST POLICY

1. PURPOSE

The purpose of this Public Records Request Policy is to provide guidance to Okaloosa County departments on how to coordinate a public records request from any entity making that request and ensure all requests comply with Chapter 119 of the Florida Statutes, also known as the “Public Records Act.”

2. POLICY

This policy is to provide guidelines and overall general procedures countywide. Directors will inform all affected employees within their work areas of this policy and its requirements.

The Risk Management Office will be designated as the County’s Public Records Coordinator for all public records requests. Selected County employees from each County department will act as Public Records Custodians for their respective departments and assist the Coordinator where necessary.

County departments should know and train their employees on what public records are available in their department and what sensitive information those records may contain.

3. DEFINITIONS

3.1. What is a Public Record?

3.1.1. Section 119.011(11). F.S., defines “public records” to include:

3.1.1.1. all documents, papers letters maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, 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.

3.1.2. Through case law, the courts have interpreted a true determining factor for a public record as those records that “**perpetuate, communicate, or formalize knowledge.**” *Rogers v. Hood*, 906, So. 2d, 420 (Fla. 1979).

4. PROCEDURES

When a County employee receives a public records request, the following procedures will apply:

- 4.1. Notify Risk Management Director (Public Records Coordinator) of the public records request and provide a copy of any written request.
- 4.2. Notification to Risk Management should be done as soon as possible but no later than 2 days from receipt.
- 4.3. If the request is verbal, write down as much information regarding the request as possible i.e., person making the request including contact information, what documents are being requested and any specific information such as dollar amount threshold, delivery expectations, time expectations, etc.
- 4.4. NOTE: A public records request does not have to be in writing as a prerequisite for completing a request.
- 4.5. Once Risk Management has received your information, please be prepared to assist the Risk Management Director with coordination and compilation of requested records.
- 4.6. The Risk Management Director will direct and provide all correspondence to the requestor of the records unless arrangements are made between the Risk Management Director and the department possessing the public records.
- 4.7. The Risk Management Director will maintain communication with the County department's public records custodian possessing the public records through to completion and will notify the department when all aspects of the public records request have been satisfied.
- 4.8. Information Systems must be notified in order to ensure backups are made for those public records requests that become and/or are made on behalf of litigation.
- 4.9. If litigation is pending or reasonably anticipated, records relating to that litigation should not be disposed of in any manner and Risk Management should be provided notice. The Risk Management Director will provide notice when it is permissible to dispose of records relating to litigation.
- 4.10. *"Standing" public records requests.* The County cannot honor public records requests that demand future copying or production (i.e., "please forward all future meeting minutes..."). The Public Records Act requires production of present documents that are available and does not contain provisions to require a custodian to foresee the future as future documents may or may not be generated.

5. EXCEPTIONS TO PUBLIC RECORDS INFORMATION

- 5.1. Although documents that perpetuate, communicate, or formalize knowledge are public records, not all information found in that public record is necessarily subject to dissemination or release. For example, employee personnel files are public records. However, information such as social security numbers is protected and is not to be released.
- 5.2. The following public documents/instruments are examples that may include sensitive material that is either exempt from the Public Records Act or some other statutory exemption:
 - 5.2.1. 911 recordings
 - 5.2.2. EMS run logs (patient information)
 - 5.2.3. Employee records
 - 5.2.4. Settlement documents
 - 5.2.5. Attorney client communications/bills
- 5.3. This list is not all encompassing. County departments should seek guidance from their Public Records Custodian(s) or the Risk Management Director if they are unsure of what constitutes sensitive information prior to release of the public record(s).
- 5.4. All public records requests involving personnel files will be directed to Human Resources with notice to the Risk Management Department. Risk Management will work with HR to ensure compliance.
- 5.5. Documents that contain protected sensitive material will be redacted and the document will then be released to satisfy the public records request.

6. FEES

All fees imposed for duplication of public records will comply with the Public Records Act, Chapter 119, F.S. Fees may only be imposed for duplication of public records.

- 6.1. Unless specifically stated otherwise through state statute, the following statutory fees will apply to copying of public records:
 - 6.1.1. single sided page (letter & legal): \$.15 per page
 - 6.1.2. double sided page (letter & legal): \$.20 per page
 - 6.1.3. certified copy: \$1.00 per page
- 6.2. Exception: County maps, aerial photographs, large format photos may be reproduced and charged a fee to cover the materials used for those duplications. Also, departments may include a reasonable labor and overhead charge associated with the duplication.

- 6.3. *Extensive information technology / clerical or supervisory assistance:* Where the nature or volume of a request requires extensive use of information technology resources or extensive clerical or supervisory assistance, the County may charge a reasonable service charge based on the cost actually incurred for the extensive use of information technology resources and/or personnel.
- 6.3.1. Florida courts have stated that “extensive” means taking more than 15 minutes to locate, review and copy the requested information.
- 6.3.2. To assess the fee for employee hours spent, County departments will ascertain the hourly rate of the lowest paid County position able to provide the duplication. For example, County departments may not charge the hourly rate of a department head, supervisor, or director unless the person in that position was the only one able to locate, review and copy the requested materials.
- 6.4. Deposits: If a request is voluminous by nature, County Departments may require a “deposit” before starting the reproduction. The member conducting the request should review the materials needed, develop an estimate for the cost for reproduction, and notify the requesting person or entity of the amount to reproduce the records and the need for a deposit.
- 6.4.1. Cost overages will be billed the balance; extra monies will be returned.
- 6.4.2. Once the County department receives the fees associated with reproduction, the County department must provide the copied information.
- 6.5. **RECORDS RETENTION**
Public records must be kept / destroyed in accordance with the retention schedules set forth by the Division of Library and Information Services (division) of the Department of State of Florida.

<http://dlis.dos.state.fl.us/recordsmgmt/publications.cfm>