

## Frequently Asked Questions

### Florida Public Records Law

#### (1) What is the Public Records Law?

A. Chapter 119 of the Florida Statutes is known as the Florida Public Records Act.

#### (2) What does the Public Records Law provide?

A. This law states that "all documents ... regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ... in connection with the transaction of official business by any agency" is a public record. The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge.

#### (3) Are e-mail messages public records?

A. E-mail messages can be public records if the content fits the definition in the answer to question two, above.

#### (4) How quickly must the university provide the records?

A. The university is required to provide access to any public record upon request within a reasonable time of the request. The Florida Supreme Court has stated that the only delay in producing public records is the "limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt."

#### (5) How should we handle a public records request made by telephone or from a walk-in?

- Write down the request with as much specificity as possible.
- Read the request back to the Requestor.
- Do not ask the Requestor to put his or her request in writing.
- Do not ask the Requestor for the reason for his or her request or what the records will be used for.
- Tell the Requestor that his or her request will be furnished to the appropriate individuals and someone will get back to them shortly with additional information.
- Ask the requestor, "How shall we contact you?" (We may not demand to know the requestor's name).
- Contact the General Counsel's Office for guidance on handling the request.
- Do not create any records to fulfill the request (the law does not require state agencies to create records in order to comply with a public records request).
- Do not alter existing records to fulfill a request (the law does not require state agencies to alter existing records in order to comply with a public records request).
- Do not change the format of an existing record to fulfill a request (the law does not require state agencies to change formats in order to comply with a public records request).
- Do not begin copying the records-where responses are voluminous or time-consuming; the university may ask the requestor for a deposit before the copies are made.

#### (6) May the university impose any requirements for disclosure of public records?

A. Once a determination has been made that the records requested are public records, the

only requirement that may be imposed as a condition of release of the documents is payment of \$0.15 per page (or \$0.20 per two-sided copies).

**(7). Are additional charges permitted for voluminous requests for records or copies of a special nature?**

A. If the nature or volume of public records to be copied requires extensive use of information technology resources or clerical or supervisory assistance, the university may add a special service charge, which shall be reasonable, in addition to the actual cost of duplication. The service charge should be based on the labor cost of the personnel involved in gathering and duplicating the records and other actual costs. An estimate of the charges should be given to the person making the request and obtain the person's approval prior to responding to the request.

**(8) Are there any records that are not public?**

A. Yes.

(a) Communications of a personal nature which do not meet the definition of public records in the answer to question two.

(b) Personal notes, even if they are about work related matters, which are neither shared with anyone nor filed as a permanent record, are not public records. These include notes made at a meeting that are kept solely for later recollection of the events, and the calendar that is maintained by any university employee. Additionally, drafts that are not circulated to others for comments are not public records. However, if these non-circulated documents are placed in the file "to perpetuate knowledge," they become public records and are subject to disclosure.

(c) There are also other documents, which are public records but are exempted from disclosure under either the public records law or some special law. The exemptions that apply most often to the university include the following:

- Student records, except for "directory information." Directory information includes name, address and telephone number of students, major, dates of attendance and graduation, and information of a similar nature (see Section 1002.22, Florida Statutes and the federal law known as the "Buckley Amendment" and UWF Rule 6C6- 3.017 (2)). Most of the records the university maintains concerning its students are student records and are confidential.
- Personnel records, except:
  - portions of the records containing social security numbers
  - Faculty academic evaluations
  - Employee evaluative records created prior to July 1995. Employee evaluative records created after July 1995 are public records.
  - Certain medical information maintained on employees, particularly information pertaining to disability.
  - Records maintained during the course of an investigation of an employee's misconduct or complaint of discrimination while the investigation is in process.

