

FLORIDA	OFFICIAL
POLYTECHNIC	UNIVERSITY
UNIVERSITY	POLICY

Subject/Title: Public Records Policy
FPU Policy Number: FPU-1.0123P
<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Major Revision of Policy <input type="checkbox"/> Minor Technical Revision of Policy
Date First Adopted: 8.27.14
Date Revised:
Responsible Division/Department: General Counsel
Initiating Authority: General Counsel

A. APPLICABILITY/ACCOUNTABILITY: This policy is applicable to all University records and provides guidance for complying with public records requests and Chapter 119 of the Florida Statutes.

B. POLICY STATEMENT: This policy establishes the process for responding to a public records request while maintaining the confidentiality of certain records that are exempt from public records under provisions of state and or federal law. It is the policy of the University that all public records in the custody of the University shall be open for inspection by any person, at reasonable times and under reasonable conditions, and that University custodians of public records shall furnish copies of public records upon payment of a charge, where authorized by this policy, for the cost of duplication and labor. University records include both Public Records and Confidential/Non-Public Records. While many University records are public records, some records at the University are confidential and not subject to disclosure because of laws providing for exemptions from public records requests.

C. DEFINITIONS:

1. University Record – Unless specifically exempted from disclosure or confidential pursuant to law , any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software or other material, regardless of physical form or characteristic, or means of transmission, including electronic mail, made, received or maintained pursuant to law or ordinance or in connection with the transaction of official University business which is used to perpetuate, communicate or formalize knowledge.

2. Confidential Records and Non-Public Records – Records which are exempt from the inspection and duplication requirements of the Public Records Law (Non-Public Records) or are protected against public disclosure by federal or state law (Confidential Records). These records may only be disclosed under limited circumstances after receiving the approval of the Office of the General Counsel. Confidential and Non-Public Records generally include, but are not limited to:

- a. **Student Records** – Section 1002.225, Florida Statutes.
- b. **Medical/Psychological Records** – Sections 456.057 and 90.503, Florida Statutes; (includes but is not limited to records located at the Florida Polytechnic University Health Care Center, aka Student Health Services; the Wellness/Counseling Center, etc.).

- c. **Certain Police Records** – Chapter 119, Florida Statutes.
- d. **Academic Evaluations of Faculty Records** – Section 1012.91, Florida Statutes, reflecting academic evaluations of faculty’s performance.
- e. **Social Security Numbers** – Chapter 119, Florida Statutes.
- f. **Certain Information Concerning University Police, Mental Health Workers and their Families** – Chapter 119, Florida Statutes.
- g. **Certain Collective Bargaining Records** – Sections 110.201 and 447.605, Florida Statutes.
- h. **Certain Division of Sponsored Programs Records** – Section 1004.22, Florida Statutes.
- i. **Certain Direct Support Organization Records**, including Donor information – Section 1004.28, Florida Statutes.
- j. **Software Proprietary to the University** - Section 119.084(2), Florida Statutes.
- k. **Third Party Software Acquired Under License** – see trade secret as defined in Section 812.081, Florida Statutes.
- l. **Bank account and debit and credit card information** – Section 119.07, Florida Statutes.
- m. **Certain Information Technology security data, procedures and audits** – Section 282.318(4) Florida Statutes.
- n. **Blue prints and Emergency management plans**-Section 252.88 Florida Statutes (site plans and specific locations of hazardous chemicals); any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency, as defined in s. 252.34, are exempt; and security system plans (as defined in Section 119.071 (3) Florida Statutes) are exempt pursuant to Section 281.301 Florida Statutes; building plans, blueprints, schematic drawings, and diagrams are exempt under Section 119.071 (3) (b), Florida Statutes.

D. PROCEDURES:

1. Unless specifically exempt from disclosure or confidential pursuant to law, all documents and other written communications, including electronic documents, regardless of form, that are made, received or maintained in the transaction of official University business are Public Records.
2. When a University employee, officer or agent receives a public record request to inspect or copy a University record, that person must immediately forward the request to the Office of the General Counsel. There is no required format for a public record request and the requestor may make a request for records orally or in writing. The University may not require the requestors to identify themselves, make the request in writing, or state the reason for making the request. The Office of the General Counsel will provide guidance in determining what University records are Confidential Records or Non-Public Records and will provide assistance in responding to the public record requests.
3. Unless otherwise instructed by the Office of the General Counsel, the copies of the University records responsive to the request must be sent to the Office of the General Counsel for review

prior to allowing the requestor to inspect the records and prior to sending the requestor copies of the University records. Copies of University records that are Confidential Records or Non-Public Records will not be provided to the requestor. Access to or copies of those University records that are Public Records, but contain some confidential or non-public information, such as a social security number, will be provided to the requestor only after the University has redacted the confidential or non-public information. However, if the confidential or non-public information in the record is so extensive that removal is not feasible or the record is an intrinsic confidential record, the entire record will be withheld.

4. After review by the General Counsel, the Public Records will be available for inspection by the requestor, at reasonable times and under reasonable conditions (which may include supervision of inspection), and the University will furnish copies of such Public Records to a requestor upon requestor's payment of the estimated duplication costs and if applicable a special service charge. The special service charge only applies if the records requested require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the University, or both.

5. **Costs.** The costs shall be described/estimated in the Public Records Invoice and cover letter attached to this policy. Any special service charges shall be reasonable and shall be based on the cost incurred for extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the University or attributable to the University for the clerical and supervisory assistance required, or both. A copy of a single sided page will cost 15 cents and a copy of a double sided page will cost 20 cents. If the records requested require extensive use of information technology resources or extensive clerical or supervisory assistance, the invoice will include a special service charge. The University will charge the requestor the difference if the actual costs were greater than the estimated costs. The University will refund the requestor the difference if the actual costs were less than the estimated costs.

(Date)

(Name and Address)

Dear _____:

This is in response to your request for public records of (date) _____.

The Florida Public Records Act authorizes the University to charge 15¢ cents per single sided copy (20¢ per double sided copy) and a reasonable service charge for the costs incurred due to the extensive personnel time or the use of information technology resources or both that were required to gather and produce the records. Our estimate of the costs in personnel time involved in responding to your request is _____ and the copying cost is _____, for a total of _____. See enclosed invoice.

Upon receipt of payment in this amount, the University will collect and make copies of the records for you. Please issue a check for \$_____ payable to "The Florida Polytechnic University Board of Trustees" and remit it to my office so that we can proceed with providing you the documents.

If you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely

Enclosures

cc: _____

Invoice

Estimated Extensive Personnel Services or Information Technology Resources:

_____ hours @ \$ _____ = _____

Estimated Duplicating services:

_____ single sided pages @ 15¢ per page = _____

_____ double sided pages @ 20¢ per page = _____

Please make check payable to "The Florida Polytechnic University Board of Trustees" and mail it to:

Florida Polytechnic University
General Counsel
4700 Research Way
Lakeland, Florida 33805-8531

Or, hand deliver it to:

Florida Polytechnic University
General Counsel
Technology (LTB) Building
3425 Winter Lake Road
Lakeland, FL 33803-9765

POLICY APPROVAL

Policy No.: FRU-1.0123R

Regina Acuña

Initiating Authority

Kevin Whelan

Policies & Procedures Review Committee Chair

MA

President/Designee

Approved by FPU BOT, if required

8.26.14

Date

8-27-14

Date

8-27-14

Date

Date