

# **PUBLIC RECORDS POLICY FOR THE HOUSING AUTHORITY**

## **PUBLIC RECORDS REQUEST POLICY**

### **1. PURPOSE**

The purpose of this Public Records Request Policy is to provide guidance to housing authority employees on how to coordinate a public records request from any person or entity making that request and ensure all requests comply with Chapter 119, Florida Statutes, as may be amended, also known as the Florida “Public Records Act.”

### **2. POLICY**

This policy is to provide guidelines and overall general procedures for requests made to the housing authority. All housing authority employees shall be familiar with this policy and its requirements. Either the Executive Director (President/CEO) or his/her designee shall be designated as the Public Records Custodian (PRC) and that person shall be responsible for receiving, tracking and responding to all public records requests submitted to the housing authority, regardless of which department or section of the housing authority that receives the request and/or which department or section of the housing authority that information is required from to fulfill the public records request. All department heads will assist the PRC to fulfill a public records request in any manner deemed necessary by the PRC. The PRC shall determine what public records are available to be requested and what sensitive or exempted information those records may contain must be redacted. The PRC shall receive public records training and shall be responsible for compliance with the Public Records Act in accordance with Chapter 119, Florida Statutes, as may be amended.

### **3. DEFINITIONS**

#### **What is a Public Record?**

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

The Florida Supreme Court has interpreted a true determining factor for a public record as those records that “**perpetuate, communicate, or formalize knowledge.**”

### **4. PROCEDURES**

When any housing authority employee receives a public records request, the following procedures will apply:

Notify the PRC of the public records request and provide a copy of any written request and completed Public Records Request Form (Exhibit A).

Notification to the PRC should be done as soon as possible but no later than the next business day after receipt.

Upon receipt of a public records request, whether written or verbal, the housing authority employee receiving the public records request must complete the housing authority's Public Records Request Form (Exhibit A) to the extent possible based on information known or offered by the requestor. Forward the completed Public Records Request Form along with any written or documented request to the PRC for handling.

The PRC shall promptly send the requestor written confirmation of his/her receipt of the public records request, and if necessary ask for any clarity needed to fulfill the request or state any unusual circumstances that may affect fulfilling the request.

NOTE: A public records request does not have to be in writing to be valid or as a prerequisite for completing a public records request.

The Public Records Act does not require agencies to change formats of an existing public record to comply with a public records request. Public Records will be provided in the format of an existing record and will not be altered by scanning and downloading to provide electronically or downloaded to a computer disk or thumb drive.

The Public Records Act does not require the housing authority to produce an employee to answer questions regarding the records produced.

All employees shall be requested to coordinate with the PRC all coordination and compilation of the requested records to completion.

The PRC shall direct and provide all correspondence to the requestor of the records.

For those public records requests that become and/or are made on behalf of any litigation, the housing authority's General Counsel shall be notified in writing to ensure proper coordination with any litigation defense and/or strategy considerations. If litigation is pending or reasonably anticipated, records relating to that litigation should not be disposed of in any manner and the housing authority's General Counsel should be provided notice. The housing authority's General Counsel shall provide notice when it is permissible to dispose of records relating to litigation.

E-mail which is a public record but contains exempt information should be produced but the exempt information must first be redacted. If in doubt as to whether an e-mail message is a public record or contains exempt information, the PRC should be contacted, who may consult with the housing authority's General Counsel as necessary.

The record series entitled "Transitory Messages," found in the Florida Department of State General Schedule for Local Governments GS1-L, is designed to cover certain Email communications, as well as other information with short-term administrative value. The transitory message series is defined as follows:

Transitory messages consist of those records that are created primarily for the informal communication of information, as opposed to communications designed for the perpetuation or formalization of knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal nature of transitory messages might be compared to the communication that might take place during a telephone conversation or verbal communications in an office hallway. Transitory messages would include, but would not be limited to: E-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages. Retention is defined as retaining until obsolete, superseded, or administrative value is lost.

## **5. EXCEPTIONS TO PUBLIC RECORDS INFORMATION**

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. Other examples of housing authority information that may be either exempt from the Public Records Act or some other statutory exemption:

Certain information contained in Resident files;

Employee records (Florida retirement records, drug screens, certain medical records); and

Attorney client communications.

This list is not all encompassing. The PRC with input from housing authority's General Counsel as necessary, shall determine what constitutes sensitive or exempt information prior to release of the public record(s).

Documents that contain protected sensitive or exempted information 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. Unless specifically stated otherwise through state statute, the following statutory fees will apply to copying of public records:

Paper size 8 1/2" x 11", 8 1/2" x 14", or 11" x 17" - single sided page \$ .15 per page, double sided page \$ .20 per page;

All other copies - actual cost of duplication;

Certified copies - \$1.00 per page;

Audio tape and CD fees - audio tapes actual cost to the housing authority, data CDs actual cost to the housing authority;

Audio CD - actual cost to the housing authority;

Audio tapes and/or CDs (if applicable) will take several days to reproduce. A charge per copy shall also be made when necessary to make multiple copies of a document in order to properly redact exempt information contained in the document.

Exception: Maps, aerial photographs, large format photos may be reproduced and charged a fee to cover the materials used for those duplications.

No sales tax shall be charged.

**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 housing authority may charge a special reasonable service charge based on the cost actually incurred for the extensive use of information technology resources or the labor cost of the personnel that is actually incurred for the clerical or supervisory assistance required. For these purposes, the Board of Commissioners of the housing authority has determined that "extensive" means taking more than two (2) hours to locate, research, review, redact, copy or remain present while the requestor copies, and re-file the information.

To assess the fee for employee hours spent in excess of two (2) hours, the PRC will ascertain the hourly rate that comports with Florida laws, as may be amended.

Occasionally, a requestor may request to review records directly. The housing authority shall permit records to be inspected, copied and photographed, at any reasonable time, under

reasonable conditions, and under supervision by the PRC or his/her designee. Because of exemptions to Chapter 119 of the Florida Statutes, there may be sensitive or exempt information the requestor is not authorized to see. All reviews shall be scheduled by the PRC after consultation with the housing authority's General Counsel, as necessary.

**Deposits:** In the case of an extensive public records request, as defined herein, the PRC may require a "deposit" before starting the search, retrieval and/or reproduction. The PRC should review the information requested, develop an estimate for the cost for search, retrieval and/or reproduction, and notify the requestor or entity of the amount of time required search, retrieve and/or reproduce the records and the need for a deposit. Any requestor having an account delinquent more than thirty (30) days will be required to pay in advance the estimated cost for providing the public records documents requested.

Cost overages will be billed to the requestor, and extra monies received by the housing authority over and above the actual time required will be promptly refunded.

## **7. RECORDS RETENTION**

Public records must be kept/destroyed in accordance with retention schedules set forth by the Division of Library and Information Services (division) of the Department of State of Florida.

## **8. REVOCATION:**

This policy supersedes and revokes all other prior Public Records Request Policies adopted by the housing authority.