Countywide Administrative Procedures Manual

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RECORDS MANAGEMENT AND RECORDS RETENTION

PURPOSE:
This policy is designed to ensure compliance with the Public Records Law while protecting public records and providing access to non-exempt public records. The policy addresses employee responsibility to provide access to public records, storage, retention, and disposition policies for active and inactive records.

POLICY:
To provide access to public records, in accordance with Florida Statute Chapter 119 and to ensure that records are protected, stored, retained and destroyed in accordance with operational needs, governmental regulations, fiscal/legal requirements, historical, and reference purposes.

Public Records Definition:
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 are public record. Computerized public records are governed by the same rule as written documents and other public records. Information stored on a computer is as much a public record as a written page stored in a file cabinet. The creator shall retain all records, created in the course of business. Either the original or a copy shall be retained by the originator for public records purposes. This includes notes, which have been circulated for review, comment or information.

RESPONSIBILITY:
The designated Records Management Liaison Officer (RLMO) for the County is the County Manager, assisted by the Records Management Coordinator (RMC) in the Department of Administrative Services. Each Department and Division (if applicable) will designate Records Custodian(s) (RC) for the records under their control. Each Department and Division will develop policies and procedures consistent with State requirements and County Administrative Policy for storage, retention and disposition of records.

PROCEDURES:

1. Availability of Records:
Public records are open to inspection by any person unless the record is exempt from release or confidential (in accordance with FS 119). An individual making the request does not have to identify themselves or provide a reason for the request. Reasonable restrictions and conditions on access may however be made for safekeeping of the documents. Requests for personal inspection of records shall be made in person or in writing (request in writing is voluntary) to the relevant office. The Communications Office will be notified of public records requests from the media.

Every person who has custody of a public record shall permit non-exempt records to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions and under supervision by the custodian of the public record or his designee. The public has the legal right to view all public records, with the exception of those portions that are exempt or confidential. Florida Statute Chapter 119 lists all exemptions

to the Public Records Law.

All departments must respond to public records requests. The department that generates a record, regardless of the physical form (i.e. paper, sound records, etc), must produce the record to the requestor. The Department Director will determine when requests for inspection or duplication of records are not routine in nature. The County's records shall never be checked out to a citizen. All records shall stay in the possession of the County at all times. For instance, if a developer requests to take building plans or microfilm from a County facility, for any purpose, the developer's request will be refused. A copy will be provided of the non-exempt portion, or inspection will be allowed in the presence of a County employee.

A "reasonable time'! is the time allowed for staff to retrieve the records and redact exempt portions. If satisfying a request immediately would unduly interfere with the operation of the department, the custodian will arrange a mutually satisfactory time for fulfilling the request. The County is not required to create a record in response to a records request. The Florida Statute provides a right of access to inspect and copy an agency's existing public records; it does not mandate that an agency create new records in order to accommodate a request for information from an agency.

An employee is not required to verbally provide information from records. The statutory obligation of the County is to provide access to or copies of the public records. The County Attorney should be notified if a request for examination or duplication of records is made by an attorney or is related to a pending lawsuit.

2. Exemptions
Those individuals who provide access to or copies of public records must be knowledgeable of the records that are exempt or confidential or that contain exempt or confidential information. If questions arise as to whether or not a record or portion thereof is exempt or confidential, it should be addressed to the Department Director, Department Records Custodian or finally the Records Management Coordinator. If it is determined that a record, or part of a record, is exempt from public records disclosure, staff shall deny the public records request and state, in writing, the basis of the exemption and the statutory citation to the exemption. If it is determined that only a portion of the record is exempt, the exempt portion should be redacted.

3. Inspection Location:
The inspection shall be conducted in the relevant office under the supervision of a department designee.

4.Cost:
According to section 119.07 (1)(B), Florida Statues and the Alachua County Schedule of Fees and Services, the County will charge the hourly rate for the person providing the clerical and supervisory assistance, in excess of 30 minutes, required for public records inspection, examination or copies. Copies of requested documents will be made at a charge of $0.15 per page ($0.20 per double sided page).

5. Records *Storage.* Retention and Disposition
Current files shall be maintained in the most efficient and effective method as determined by the Department Director. The County uses the State of Florida General Records Schedule for Local Government Agencies (GS1-SL). http://dlis.dos.state.fl.us/recordsmgmt/gen_records_schedules.cfm

5.1. Records will be retained in accordance with Florida Statutes (Chapter 119 \ / and Florida Administrative Code 1 B - Sections 11, 24, and 26 - as applicable) and Retention Schedules developed by the Bureau of Archives and Records Management. Federal regulations and grant provisions may require longer retention of certain records.

5.2. Any records not covered by the General Schedules will require a special retention period to be determined by the Florida Bureau of Archives and Records. Departments should consult with the Bureau to establish a schedule for records not covered by the General Schedules. Once established, a copy of the special retention schedule should be sent to the County Records Management Liaison Officer (RMLO) and the Records

Management Coordinator (RMC).

5.3. The County will contract for off-site storage through a private vendor. Departments should use this vendor for off-site storage needs.

5.4. Transitory messages are to be retained until obsolete, superseded or administrative (OSA) value is lost. Transitory messages would include: E-mail messages with short-lived or no administrative value, voice-mail, self-sticking notes and telephone messages. The informal nature of transitory messages might be compared to a communication taking place during a telephone conversation or verbal communications in an office hallway. Records of a transitory nature are the only records that may be destroyed by departments.

5.5. Requests for destruction of records will be completed by the responsible department and forwarded to the Records Management Coordinator (RMC), using the Records Disposition Form.

5.6. The RMC will review the request for compliance and send to the RMLO for approval. Once approved by the RMLO, the form will be returned to the Department.

5.7. Once records have been destroyed, the signed Records Disposition Form should be returned to the RMC.

5.8. Certificates of destruction will be retained permanently by the County.

5.9. Forms for records management and on-line resources are available on the Intranet, under Human Resources, Records Management, Index of Files: http://boccweb/recordsmanagement

Approved: Randall H. Reid, County Manager
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