

TITLE: Public Records

POLICY:

- (1) Generally.
  - (a) It is the policy of the School Board of Orange County, Florida (“Board”) that all employees will comply with Florida's public records law and state retention schedules for public records. Unless otherwise confidential or exempt from disclosure, all public records made, kept, and maintained pursuant to the applicable Florida Statutes shall be available for inspection or copying at reasonable times during normal office hours of the Ronald Blocker Educational Leadership Center (“RBELC”) or other Orange County Public Schools (“OCPS”) offices in which records are maintained.
  - (b) The Superintendent or designee shall comply with Florida law and designate a Records Management Liaison Officer (“RMLO”) for the district. The RMLO is the primary point of contact between the district and the Bureau of Archives and Records Management, and acts as the Board’s designee as the “Custodian of Public Records.”
- (2) Definitions.
  - (a) Public Records. Florida's public records law, Chapter 119 of the Florida Statutes, defines public records as: *All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of physical form, or 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.* All documents and other written materials that are made or received pursuant to law or that are made or received in the transaction of official Board business are public records which, regardless of form, are open for public inspection unless the legislature has specifically made them confidential and/or exempt from disclosure. **Electronic communications such as e-mails, text messages, and social media platforms, if they meet these criteria, qualify as public records.**
  - (b) Public Records Request. “Public records request” means a request by a member of the public for documents or items that are public records. No particular form or format is required for such a request.
  - (c) Exemption. A provision in the law that dictates that certain documents or other written materials should not be produced in response to a public records request.

(3) Public Records and Inspection.

- (a) Most documents, including e-mail messages, created or received by Board employees in connection with official business are considered to be public records. Unless a public record is confidential and/or exempt by statute from disclosure, it must be produced to any person upon request. A requesting person does not have to prove a "legitimate" need for public records to be entitled to inspect them.
- (b) State and federal laws make confidential and/or exempt certain types of public records, or portions thereof, from disclosure under the public records law. Confidential and/or exempt records that frequently apply to Board records include, but are not limited to, the following:
  - (i) Academic evaluations;
  - (ii) Student records pursuant to the federal and state Buckley Amendments, also known as the FERPA exemption and Chapter 1002, Florida Statutes;
  - (iii) Social security numbers;
  - (iv) Student identification numbers;
  - (v) Personally identifiable medical information pursuant to The Health Insurance Portability and Accountability Act of 1996 (HIPAA);
  - (vi) Most benefit enrollment information;
  - (vii) Bank and other financial information (e.g., credit card data);
  - (viii) Personal information regarding law enforcement officers, military personnel, and other categories of employees or their families;
  - (ix) All work products developed in preparation for collective bargaining pursuant to Section 447.605, Florida Statutes;
  - (x) Appraisals, offers, and counteroffers relating to purchases of real property pursuant to Section 1013.14, Florida Statutes;
  - (xi) Records prepared by an attorney for the Board, or at the attorney's direction, for civil or criminal litigation or adversarial administrative proceedings pursuant to Section 119.07, Florida Statutes, and litigation files regarding employees while the case is active;

- (xii) Data processing software obtained under a licensing agreement which prevents its disclosure and data processing software designated by the Board as sensitive pursuant to Section 119.084, Florida Statutes;
  - (xiii) Security system and building plans pursuant to Sections 119.071 and 281.301, Florida Statutes; and
  - (xiv) Sealed bids, proposals, or replies received pursuant to a competitive solicitation until such time as the Board provides notice of an intended decision or until thirty (30) days after opening the bids, proposals, or final replies, whichever is earlier, pursuant to Sections 119.07 and 119.071, Florida Statutes.
- (c) Documents that are confidential and/or exempt from the public records law shall not be produced.
  - (d) Documents that are public records but contain exempt information shall be produced upon removal, or redaction, of the exempt information.
  - (e) The determination of which documents or information is confidential and/or exempt from the public records law shall be made by the Records Management Department in coordination with the Office of Legal Services.
- (4) Retention of Public Records.
- (a) All public records shall be retained for a period of time that varies depending on the nature of the documents and in accordance with Board Policy EHB Data and Records Retention. Retention periods for public records can be found in the State of Florida's general records schedule at:  
  
<http://dos.myflorida.com/media/693589/g07.pdf>  
  
and/or  
  
<http://dos.myflorida.com/media/693574/general-records-schedulegs01-sl.pdf>
  - (b) Employees shall not delete public records in their possession or control except for in accordance with the record retention schedules applicable to OCPS as a public entity.
- (5) Responding to a Public Records Request.
- (a) Public records requests may be made verbally or in writing. A department receiving a request for public records may ask that the

requestor put his or her request in writing for clarity, but may not require it. If a requestor declines to put his or her request in writing, the department receiving the request shall properly document the request with as much clarity as possible before forwarding the request to Records Management for a response.

- (b) The Board shall respond to a public records request within a reasonable period of time after receiving the request. What constitutes a reasonable period of time depends upon the circumstances surrounding the request, including the nature of the request, the size of the request, the likely quantity of records to be produced, whether extensive use of information technology resources or clerical services are required, and the timing of the request (e.g., whether holidays intervene).
- (c) The Board must provide a right of access to inspect and copy existing public records; however, the Board is not required to create new records in order to accommodate a request for public records nor respond to requests for information which are presented as requests for public records.

(6) Types of Public Records Requests.

- (a) Student Records. In order to fill public records requests for student records, Records Management shall obtain written approval from the student's parent or legal guardian or the student (if over the age of eighteen (18)). An OCPS signed Student Records Release Authorization is the preferred method for documenting such consent for production of student records. The requestor must provide proper identification in order to receive records responsive to a request.. Student directory requests shall be forwarded to Records Management for review prior to release.
- (b) Employee Records. All requests for employee records shall be forwarded to Records Management for processing. The requestor may use the OCPS Employee Individual Access Form to request employee files. However, the requestor is not required to do so unless the requestor is an employee requesting his/her own records. The employee must use this form to ensure clarity and to authorize the release of exempt information.
- (c) District or Board Records. All public records requests seeking Board statistical data, student enrollment figures, lists of employees, routine public records requests, and non-routine public records requests shall be forwarded to:

Records Management  
6501 Magic Way, Building 500  
Orlando, Florida 32809  
Phone: 407-317-3965

Fax: 407-317-3703  
E-mail: [records@ocps.net](mailto:records@ocps.net)

- (d) Media Requests. Media requests shall be channeled through the Board's Public Relations Department. Public Relations will log the requests and coordinate the collection and release of the public records with Records Management.

(7) Right to Inspect and Copy.

Chapter 119, Florida Statutes, 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 the agency. Similarly, an agency is not ordinarily required to reformat its records and provide them in a particular form as demanded by the requestor.

(8) Coordination of Responses to Public Records Requests.

Records Management shall coordinate the response to the request for public records with the requestor and the appropriate OCPS department in which the records are maintained. When any OCPS department receives a request for records from Records Management, the administrative supervisor or designee of the department must respond as to the existence of the requested documents and timeline for production within two (2) business days. The administrative supervisor or designee of the department in which the records are maintained is responsible for appointing one or more persons to gather the requested documents, and, if requested, make un-redacted copies and forward the documents to Records Management. Records Management will perform any and all redactions as prescribed by law in coordination with the Office of Legal Services. Records Management will arrange a time for inspection of the documents or deliver copies of the documents to the requestor.

(9) Fees for Duplication.

Charges for copies are established by Section 119.07, Florida Statutes, as amended, and are set forth below:

- (a) Up to \$0.15 per one-sided copy for duplicated copies of not more than 14 inches by 8 ½ inches;
- (b) No more than an additional \$0.05 for each two-sided copy; and
- (c) For all other copies, the actual cost of duplication of the public record.
- (d) A charge of \$1.00 per copy for a certified copy of a public record.

(10) Special Service Charges.

- (a) Extensive Use Charges. If the nature or volume of the public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the district, or both, the district may charge a reasonable special service charge, which shall be in addition to the duplication charge, pursuant to Section 119.07(4), Florida Statutes. The term “extensive use of clerical or supervisory assistance” shall include any time that exceeds fifteen (15) minutes to locate, review for confidential information, copy, and refile the requested material.
- (b) “Extensive use” may consist of tasks that should be performed by an attorney, law clerk, paralegal, the district Records Custodian, and/or Specialists, such as reviewing materials for exemptions and confidential information requiring redaction. The district may reasonably charge the personnel’s hourly salary (including benefits).
- (c) The district shall notify the requestor of the estimated cost and time to produce records responsive to the request. Upon agreement by the requestor and payment of a deposit based upon estimated charges, the district will proceed to complete the request. The Superintendent or designee has authority to establish a fee schedule for deposits and procedures for the collection of related fees including, but not limited to, deposits for extensive use of clerical or supervisory assistance or technology, or both.

**SPECIFIC AUTHORITY:**

Chapters 119, 286, and 1002; Sections 281.301; 1002.22; 1012.31; 1013.14, Florida Statutes

Rule 1B-26.003, Florida Administrative Code

20 U.S.C. § 1232g, Florida Educational Right to Privacy Act (FERPA)

Public Law 104-191, 104th Congress, Health Insurance Portability and Accountability Act of 1996 (HIPAA)

ADOPTED: 11/17/08

REVISED: 05/10/16