I. Policy Statement

It is the policy of the University of West Florida (“University”), to comply with Florida’s Public Records Law. Therefore, all public records in University custody shall be open for inspection by any person (at reasonable times and under reasonable conditions) and copies of public records shall be provided (in a reasonable amount of time) upon payment of applicable charges for the cost of duplication and labor. The University General Counsel is designated as the Office responsible for managing and overseeing requests made pursuant to Chapter 119, Florida Statutes.

II. Applicability

This policy applies to all University campuses, divisions, colleges, institutes, departments, and employees.

III. Definition of Terms:

A. Public Records.

All documents, papers, letters, emails, 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 of the University which are used to perpetuate, communicate, or formalize knowledge. (bold)

This includes 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 university business and are used to perpetuate, communicate, or formalize knowledge which, regardless of form, are open for public inspection unless the legislature has specifically
exempted them from disclosure. Most documents, including email messages and text messages, created or received by University of West Florida employees in connection with official business are public records regardless of the ownership of the device, machine or account in which a record is created. Unless a public record is exempt by statute from disclosure pursuant to the public records statute, it must be produced to any person upon request. Before documents are released pursuant to a public records request, any exempt documents or exempt information contained within documents must be removed.

B. Confidential Records and Public Record Exemptions.

Confidential and public record exemptions generally include, but are not limited to:

1. Student educational records;
2. Academic evaluations of faculty;
3. Social security numbers;
4. Certain Direct Support Organization Records, including Donor information;
5. Certain Police Records;
6. Medical/Psychological Records;
7. Most benefit enrollment information;
8. Bank and other financial information (such as credit card data);
9. State Owned Building Plans;
10. Trade Secrets;
11. Personal information regarding law enforcement officers or their families.

IV. Public Record Requests:

A. All University employees must accept Public Records requests when asked.

- Public records requests may be made in writing, by electronic means, by telephone, or in person.
- A person making a public records request does not have to identify himself or herself.
- A person making a public records request does not have to provide a reason to inspect the records or receive copies of public records.
- A University employee may not require a requestor put his or her request in writing.
- University employees may refer to Confluence and search “Processing a Public Records Request” for suggested procedures.

B. When an employee receives a request to inspect or copy a University record, a determination must be made as to whether the requested record contains exempt or confidential information.

- Therefore, all public records requests should be forwarded to and reviewed by the Office of the General Counsel before the release or inspection of records.
- Questions regarding the Florida public records laws and exemptions should be referred to the Office of the General Counsel. University employees should not make
a determination of what is or is not a public record without consultation from the Office of the General Counsel.

C. Information that is confidential and exempt from the public records law will not be provided in response to a public record request. Documents that are public records but contain confidential and/or exempt information will be produced after the redaction of the exempt information, unless the exempt information in the document is so extensive that removal is not feasible. The determinations of which documents or information are confidential and/or exempt from the public records law will be made by the Office of the General Counsel.

D. The University must 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 complexity of the request, the likely quantity of records to be produced, whether extensive use of information technology resources or clerical services is required, staffing levels, and the timing of the request (such as official holidays when the University is closed). Questions concerning a reasonable time, reasonable conditions, or appropriate charges should be referred to the Office of the General Counsel.

E. If the person making the records request has requested copies of the documents, the University may charge the requestor the amount permitted by Florida law, presently 15 cents per one-sided copy or 20 cents per two-sided copy. In addition, if retrieving or copying the public records requires extensive use of information technology resources or clerical and/or supervisory assistance, the University may assess a reasonable service charge based on the University's actual incurred costs. “Extensive use” as used herein shall mean that it would take more than 15 minutes to locate, review for confidential information, copy and refile the requested material. The cost of clerical or supervisory assistance shall be no greater than the labor cost of the lowest-paid personnel capable of providing such clerical or supervisory assistance. The Office of General Counsel will provide the requestor with an estimate of the charges necessary to fulfill the request. Payment of the estimated costs must be made before the University will invest employee time or resources responding to a public records request, and before producing the requested documents.

V. Retention and Disposal of Public Records

A. The UWF Records Management Office will work with departments to apply the records retention schedules, to schedule records for pickup, and to process and approve records disposition requests. Please see UNIVERSITY POLICY FIN 03.02-02.14 Records Management for more information or contact UWF Records Management at 474-2693 or gharris@uwf.edu.

B. Employees may not delete public records for which they are the custodian except in accordance with the record retention schedules applicable to UWF as a state university and in accordance with University Policy FIN 03.02-02.14 Records Management.
VI. Agency Custodian of Public Records

A. Custodian. The President of the University is the UWF Custodian of Records, located at University of West Florida, Building 10, 11000 University Parkway, Pensacola, Florida 32514, 850-474-3420, gcfrontdesk@uwf.edu.

B. Requestor. A requestor who feels that UWF has unlawfully refused to permit a public record to be inspected or copied must provide at least five business day's written notice to the UWF Custodian of Public Records, at the address above, prior to initiating any action against UWF regarding the requester’s disputed request. See Florida Statute § 119.12.

Authority and Related Documents:

Florida Board of Governors Regulation 1.001; University of West Florida Regulation 3.017; Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g & 34 CFR Part 99; Florida Public Records Act, Chapter 119, Florida Statutes.