

**SECTION:** 1.7

**SUBJECT:** Commission Records

**AUTHORITY:** Executive Director; Florida Statute Chapter 282.318 - Security of Data and Information Technology Resources; Florida Administrative Code Chapter 71A-1 - Florida Information Technology Resources Security Policies and Procedures

**Policy:**

All Commission records shall be maintained, made available to the public, and disposed of in such a manner as to meet information needs, ensure effective and economical use of equipment and space, and comply with state statutes relating to public records. Public records are defined by Chapter 119.011 (1), to be "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business..."

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**General Guidelines:**

**1.7.1 Agency Clerk**

The Commission's Records Management Analyst is designated by the Executive Director to be the Commission's Agency Clerk. The Executive Director shall also designate Deputy Agency Clerks. The Agency Clerk maintains the Commission seal and is responsible for maintenance of agency orders issued pursuant to the exercise of authority granted to the Commission by state statute. The Agency Clerk also serves as an initial point of contact for formal public records requests.

**1.7.2 Records Management Liaison Officer**

The Commission's Records Management Analyst is also designated by the Executive Director to be the Commission's Records Management Liaison Officer (RMLO), with the Division of Library and Information Services (DLIS), Department of State.

The primary responsibility of the RMLO is to coordinate a records management

program for the Commission. The RMLO shall work with the Divisions/Offices (D/O's) to give assistance in the preparation of retention schedules and destruction requests. A [records destruction request](#) is required for agency records with a specific retention period and that request must be reviewed and approved by the RMLO before the physical destruction of such records. A central files area may be maintained by the RMLO for records that have long-term retentions. The RMLO shall also assess the Commission's records for historical significance. A record series that has a retention requiring an archival appraisal shall be retained in Central Files until such appraisal is made and then, depending upon the appraisal decision, be transferred to the Florida State Archives, properly destroyed or maintained in Central Files.

### **1.7.3 Records Retention and Disposition**

No public records in the custody and control of the Commission shall be retained or disposed of except in accordance with the provisions of Chapter 257, Florida Statutes, under procedures developed and administered by the Division of Library and Information Services, Department of State. The directors (or their designees) of the various D/O's of the Commission are hereby designated herein as signature records custodians of the records in their respective offices in Tallahassee. The regional directors are so designated in their respective regional offices and the senior employee is also so designated in each field office. The role of the signature records custodian is to approve the submission of new record retention schedules and to approve destruction requests and archival transfers. The Executive Director may designate additional employees to act as signature records custodians. Designated signature records custodians are responsible for compliance with said procedures for the records in their control. For other employee records custodial responsibilities such as access, see IMPP 1.7.4. The RMLO shall assist in the preparation of new retention schedules and assign retention schedule numbers after the signature records custodian has signed the retention request form. Records retention schedules are then submitted to the DLIS for review and approval. Destruction requests are assigned numbers, reviewed and approved by the agency RMLO after submission by the signature records custodian. An annual records destruction compliance report from each state agency is required by DLIS. The RMLO is responsible for the preparation of this report. The Executive Director reviews, signs and submits the report to DLIS.

### **1.7.4 Public Access**

**A.** In compliance with Chapter 119.07(1) (a), Florida Statutes, an employee who is the originator of a record series or an employee in the geographic location where records are housed is also referred to as custodian of those records, but with no signature authority for retention and destruction. The employee shall permit those records in his/her control to be inspected, examined and copied by any person desiring to do so or upon request, to provide copies of those records, at reasonable times, under reasonable conditions and under

supervision of the custodian or his/her designee. (Refer to Section 1.7.5 for inspections and examination of records, exemptions.)

Public records requests may include, but are not limited to written requests, web information requests, telephone requests and walk-in requests. The request may be relayed to the specific D/O, the agency head or the agency clerk. The Agency Clerk serves as the point of contact or coordinator for public records requests that require records from more than one D/O.

If a public records request specifically asks to inspect or make copies of any e-mail that may have been deleted by the user, an analyst from the Office of Inspector General, in consultation with the Commission's legal office, will examine the deleted records in order to determine if they are exempt from the State Public Records Law.

- B.** The records custodian has the authority to designate reasonable times during which the records in his/her custody may be examined. This will normally be the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excepting holidays. The right of access is an affirmative one and the records custodian will make every reasonable effort to provide access during hours when the custodian or staff is available.
- C.** The custodian may not charge a fee for the mere inspection of public records; however, the custodian may impose a fee for duplication services rendered, based on the actual cost of duplication. This charge is defined by Chapter 119.07(1) (a), Florida Statutes and is currently set at 15 cents per one-sided copy and, for all other copies, the actual cost of duplication, please see below table of charges. If the nature of the request is such that it requires extensive clerical or supervisory time to locate, to compile, to review for exempt material, redact exempt information, to oversee review by the requestor, or to copy the records, an additional charge may be made, based on the hourly rates(s), including benefits, of the lowest paid employee(s) qualified to perform the required task. For the purposes hereof, "extensive" means the expenditure of greater than 0.50 man-hours to locate, review, copy and re-file requested information. If fees are imposed for copies and/or the special service fee imposed, the requestor will be advised of estimated costs. Payment will be collected before documents are copied, reviewed, redacted or otherwise processed for release if their production meets the threshold for extensive time or material costs. Money received for copying services shall be collected, deposited and accounted for in the manner prescribed for the receipt of all revenue. Upon receipt of the revenue, the Revenue Section Leader will notify the custodian to release the records. If the cost for providing paper or electronic copies of records is less than \$5.00, including postage and special service charges, the records will be provided at no charge.

Material Costs:

One-sided copy:	\$0.15 per page of not more than 8 ½ x 14 inches
Double-sided copy:	\$0.20 per page of not more than 8 ½ x 14 inches
All other copies:	Actual cost of duplication (material and supplies, not labor)
CD-ROM:	\$0.85 each
DVD:	\$1.15 each
Certified Copies	\$1.00 per page
Packaging and shipping charges:	Estimated costs may be changed to reflect actual cost incurred.

- D. If the request for records involves multiple Divisions or Offices, the fee charged will be based on the aggregate amount of time expended by all personnel and information technology resources, if applicable.
- E. Requests for copies or lists of records maintained by the Commission which require the use of information technology resources (as defined in Chapter 282.0041(16), Florida Statutes), shall be charged based on the following criteria:
  1. Information provided over the phone, intranet or internet and requiring no extensive clerical or supervisory time shall incur no charge.
  2. If the nature of the request is such that it requires extensive clerical or supervisory time to comply, an additional charge may be made based on the hourly rates(s) of the employee(s) involved.
  3. Requests which require extensive use of information technology resources shall be charged the specific cost incurred to create or transfer the requested information. For the purposes hereof, "extensive" means the expenditure of greater than 0.50 hours of information technology resources.

Money received for use of information technology resources shall be collected, deposited and accounted for in the manner prescribed for the receipt of all revenue. Upon receipt of the revenue, the Revenue Section Leader will notify the custodian to release the records. The Commission's Chief Information Officer shall be consulted in cases where there is a question concerning the charge for records retrieval requiring information technology resources.

- F. If the actual costs incurred are less than such payment as estimated, the overpayment will be refunded to the requestor. The requestor will be required to remit additional monies upon release of the documents to pay for any costs in excess of the estimate.
- G. In the event the requestor fails to remit additional monies to cover costs in excess of the deposit, the requested public records will not be released.

### **1.7.5 Inspection and Examination of Records, Exemptions**

Some public records may be exempt from public inspection by law. For records so exempt from public disclosure, the designated records custodian must state the legal basis for the exemption. If a file or group of files contains some information that is exempted from public inspection and some that is not, the custodian is required to produce the records for examination upon request. However, the portion(s) of the records that are exempt shall first be deleted or concealed and, for any exemption claimed (whether all disclosure is refused or portions are deleted), the custodian must state the statutory basis for the exemption and, if requested by the person seeking the record, the custodian shall state with particularity, in writing, the reasons for the custodian's conclusion that the record is exempt from disclosure. A Commission attorney may be consulted in the event an exemption from disclosure is claimed by the custodian.

The following classes of information or records held by the Commission are examples of records exempt from public inspection (See Chapter 119, Florida Statutes and the Government-in-the Sunshine Manual for a compilation of other records exempt from public disclosure):

- A.** The identity of confidential informants or sources
- B.** Information on surveillance techniques, procedures or personnel
- C.** Information revealing the identity of undercover personnel
- D.** The home address, telephone number and photograph of law enforcement personnel, his/her spouse or children, as well as the place of employment of his/her spouse and the names and locations of schools attended by his/her children
- E.** Active criminal investigative or intelligence information ("active" means related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future; or related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities; or while such information is directly related to pending prosecution or appeals).
- F.** Information revealing Social Security number
- G.** Marine Fisheries Trip Tickets

### **1.7.6 Handling of Exempt or Confidential and Exempt Information**

The State of Florida government information technology resources, data and information are valuable assets to its citizens. The confidentiality, integrity and availability of those resources must be protected. Data and resources must be reliable and must be available to those who are authorized to use them. Commission workers shall exercise due diligence to protect exempt and confidential and exempt information by using appropriate administrative, technical and physical controls.

#### **Specific requirements include:**

- A.** Agency information owners are responsible for identifying exempt and

- confidential and exempt information.
- B. Exempt and confidential and exempt information, regardless of format, shall be labeled to the maximum extent possible.
  - C. For systems containing exempt or confidential and exempt data, each office shall ensure written agreements and procedures are in place to ensure proper security for sharing, handling or storing confidential data with entities outside the Commission.
  - D. Exempt and confidential and exempt information shall be destroyed in accordance with the applicable retention schedule, regardless of media type, and the requirements of this policy and procedure.
  - E. Security training will address the general handling of exempt or confidential and exempt information, but office managers are responsible for ensuring workers in their areas receive specialized training when appropriate.
  - F. Information owners are responsible for ensuring procedures are in place to ensure accountability for accessing or modifying exempt or confidential and exempt data, which provides an audit trail of who made the changes and when the changes were made.
  - G. When agency workers certify compliance with information technology usage, as required by IMPP 3.7 Information Technology Resource Usage Policy, their certification of compliance with these procedures for handling Commission Records is included by reference.

#### **1.7.7 Public Records Training**

- A. The Records Management Liaison Officer will be responsible for providing information and training to all employees on Public Records Compliance and Commission rules and policies related to public records.
- B. All Agency staff will be required to take Public Records Training upon initiation of their employment with the Florida Fish and Wildlife Conservation Commission. Any staff that began employment with the Agency prior to the initiation of this training, will be required to complete the training as well.
  - 1. New hires will be required to take the Public Records Training within 30 days of beginning employment with the Agency.
  - 2. Any staff that began employment with the Agency prior to the initiation of this training will have 90 days to complete this training.

History: Est. 9/20/2004; Rev 03/11/2011; 01/04/2012

**APPROVED:**

**Gregory L. Holder**  
**Executive Director or Designee**

**January 4, 2012**  
**Date**