

**CITY OF DUNEDIN**  
**OFFICE OF THE CITY CLERK**  
**PUBLIC RECORDS REQUESTS POLICY**

**EFFECTIVE DATE:** January 21, 2010

**Objective:** Standardize procedures for processing of public records requests.

**I. INTRODUCTION**

The Florida Public Records Law provides a right of access to inspect and copy city records with a few exemptions such as confidential material. There are penalties provided by law if city employees do not comply, including civil action, fines and attorney fees.

The City Clerk as the municipal officer is charged with the responsibility of insuring that the City's public records program meets the mandates of the Public Records Law. All employees are responsible that records in their custody are accessible per Chapter 119.07 of the State Statutes, which states that "every person who has custody of a public record shall allow inspection and copying of those records".

**II. PURPOSE**

The purpose of this policy is to provide information and procedures necessary to process records requests in a uniform way and ensure that public records requests are handled in a timely manner.

**III. RECORDS**

Under Florida Law, any material prepared in connection with official business that is intended to perpetuate, communicate or formalize knowledge is a public record. Included are: documents, papers, letters, emails, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristic, made or received in connection with the transaction of official business.

**Exempt records (F.S. 119.071)**

Many documents and information within documents are exempt from disclosure or are confidential. Examples of records that are exempt from the Public Records Law are as follows:

- Social security numbers of all current and former agency employees.
- Medical records unless requested by legal representative or court order.

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- Home address, phone numbers and photos of current or former Human Resources directors and any information regarding their spouse and children.
- The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement, fire and code enforcement personnel and places of employment of the spouses and children.
- Bank account numbers and debit, charge, and credit card numbers held by an agency.
- Any information that would identify or help to locate a child who participates in government-sponsored recreation programs or camps or the parents or guardians of such child, including, but not limited to, the name, home address, telephone number, and social security numbers of such child.
- A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency) or prepared at the attorney's express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and that was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings.
- Information or plans that can jeopardize the security of public buildings including construction plans, floor plans and types of security systems.

Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary. Because the legislature amends the public records law from time-to-time whether certain materials are exempt; if in doubt, check with the City Clerk's office or the City Attorney.

Personal computers or personal email accounts should not be used for City business as those records are considered public records and must be retained and accessible in accordance with state law. Any emails in connection with city business received in a personal email account shall be promptly forwarded to your city email account.

#### **IV. THE CUSTODIAN'S RESPONSIBILITY**

All employees must ensure that public records in their custody are accessible as required by Florida law and must respond to these requests.

**Florida Statutes 119.07(1)(a) states "Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records."**

#### **Procedure When Custodian is not in Possession of Documents**

If the document requested of a particular staff member is not in the possession of that staff member, then that staff member should direct the requesting person to the appropriate custodian of that particular document.

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**V. The Request**

Florida's Public Records Law establishes a reasonable right of access to inspect and copy public records and the city cannot impose rules or conditions which restrict or circumvent a person's right of access. "Reasonable" means, generally, the time it takes to locate the requested records, review those records for exempt information, delete exempt information and make the requested copies. Arbitrary time periods, during which records may or may not be inspected and other artificial barriers are not allowed, all public records access policies adopted by government agencies must be in strict compliance with the Public Records Law. (Excerpt from Fl. Public Records Handbook)

1. A public records request is a request to either inspect, copy, or both, public records pursuant to Chapter 119, F.S.
2. There is no requirement that the request be made in person or in writing, or be in any particular form.
3. The person making the request is not required to identify himself/herself, or to provide information about the reason for the request or how the records will be used.
4. The request must be clear enough to enable the City to conduct a meaningful search. We may ask questions about the request in order to respond to the request fully and in a timely manner.
5. All requests should be directed to the appropriate division or office.

**Broad and/or General Requests:** Agencies cannot deny a public records request based on the fact that the request is too broad or that it does not specifically identify the records requested. Therefore, in the absence of statutory exemption, an agency must produce the records requested regardless of the number of documents involved. (Excerpt from Fl. Public Records Handbook).

**Receipt of a Request**

1. Upon receipt of a request for public records determine the following information:
  - a. Exactly what the person is requesting; whether he/she wants to view the records or wants a copy of the records. If it is unclear what is being requested, contact the person for clarification.
  - b. Whether the documents requested are public records, and if so, whether any or all of the information is exempt or confidential. (See page 4, No. 2)
  - c. Who has custody of the records, i.e., what departments?
  - d. Inform the requestor of format availability after the records are located. Note: Florida law does not require agencies to generate, create or convert records to another format; however, if acceptable to the requestor and not unreasonable in nature, electronically maintained public records may be provided in print format. Your only obligation is to provide the records that you have; you do not have to create a record or change its format.

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2. Review the requested records for any confidential or exempt information.
  - a. Be particularly aware of social security numbers, medical information, certain addresses and other personal information on protected persons and their family members (e.g., current or former law enforcement officers and others specifically exempted in Chapter 119 or elsewhere in Florida Statutes).
  - b. Redact and provide the statutory citation for any exempt or confidential information. Such information shall be provided in writing if requested.
3. Requests for Public Records of City Officials and Employees:  
When a public records request is received for emails or other records relating to a city commission member or city employee, the city commission member or city employee may be notified that such a request was received. This notice and opportunity to review said records cannot unreasonably delay responding to the public records request.

**Requests received by City Clerk's office**

If public records requests are received in the City Clerk's office, as soon as reasonably possible after receipt of the public records request, clerk staff will acknowledge the request and forward it to the appropriate city department.

Departments receiving the public record requests will provide to the City Clerk's office a time-frame for retrieval. The City Clerk's office will notify the requestor of the estimate of time to fulfill the request and any copying charges. For large requests (those requiring more than \$50 in copy or retrieval charges), the City Clerk's office will require an advance deposit prior to beginning retrieval.

Inspection of all public records shall be supervised by the department that has custody of the records. Review of other department's records such as finance accounts payable; personnel files, application files stored with the City Clerk will be performed by the applicable department.

**Coordination with the City Attorney's office**

Routine public records requests do not require clearance or advice from the City Attorney's office. All public records requests pertaining to any matter for which litigation is pending must be referred to the City Attorney's office. Administrators and department heads must determine whether the agency involved is in litigation before releasing records. City staff should also contact the City Attorney's office if they cannot determine if a record is exempt from disclosure. The City Attorney's office may be consulted prior to a final denial of a request if it meets the requirements of exempt records. Denials must be made in writing with the statutory exemption cited.

**Responding to a request**

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1. Upon the receipt of a request for a public record by email, the department shall acknowledge receipt by email within two business days. Other requests contact the requestor and acknowledge it by other means such as a letter.
2. The department shall respond to all public records requests in a reasonable time, taking into account the extent and nature of the request.
3. Inform the requestor that the department is working on their request and give them an estimate of time to fulfill the request and notify them of estimated costs. For large requests (those requiring more than \$50 in copy or retrieval charges), the City will require an advance deposit prior to beginning retrieval.
4. If the requested public records are not within the department, the request should be forwarded to the appropriate City department, if known. Otherwise, the request should be directed to the City Clerk's office. The department should inform the requestor to whom the request has been forwarded.

#### **Records Safety**

To ensure records from removal, alteration or destruction, an employee shall monitor and supervise the review of the records. The reviewing of records should be in plain sight.

#### **VI. Fees**

The fees that may be charged for copying of public records are in some cases provided by Statute. If no specific fee is prescribed by law, then the custodian of the public record may charge the actual cost of duplication of the records.

- The City of Dunedin will not charge for the first ten (10) copies of a record request annually.
- A deposit will be required for any record request over \$50.00

The following fees as prescribed by Section 119.07(4) F.S. will be charged for City of Dunedin public records:

1. Fifteen (15) cents for each one-sided copy of each page of not more than 14 inches by 8 ½ inches.
2. Twenty (20) cents for each two-sided copy.
3. For all other copies, the actual cost of duplication of the public record shall be charged; such as special printing costs for documents that have to be sent out.
4. An administrative fee may be charged for extensive clerical assistance or technology resources involved in addition to the actual cost of duplication. This charge is the hourly rate, including benefits of the lowest paid employee capable of retrieving the data.
5. Other audio/video media: Tapes, CDs and DVDs shall be the cost to the City, plus applicable administrative charges.
6. If materials are to be mailed, the actual cost of postage may be added to other charges indicated in the preceding paragraph.
7. Copies must be paid for prior to receipt.

#### **Email Requests**

Email requests will follow the guidelines set forth by the Information Services Director and processed by that department.

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**VII. REQUESTS THAT THE CITY IS NOT REQUIRED TO PRODUCE**

**Request for Information vs. Requests for Records**

The City is required to provide access to public records; it is not required to provide information from the records. Example: A reporter wants to know how many employees earn over \$50,000 a year. The City has a file of annual salaries. The requestor should request to inspect the payroll file as the City is not required to give out *information* from that record.

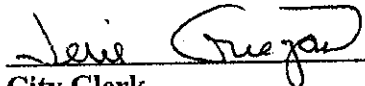
**Continuing Record Requests**

The City is not obligated to provide records on a continuing basis to a requestor. (Example: A requestor wants all records regarding the Dunedin Country Club for the next two years).

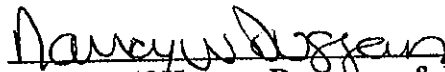
**Effective Date of Policy:**

**January 21, 2010**

**APPROVED:**

  
\_\_\_\_\_  
City Clerk

1/25/10  
Date

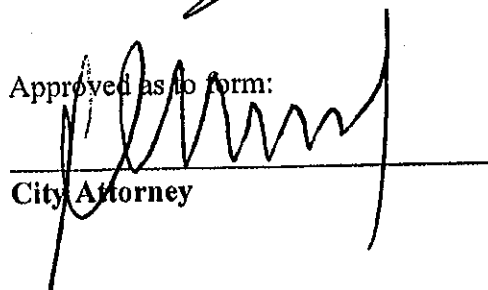
  
\_\_\_\_\_  
Director of Human Resources & Risk Safety

1-28-10  
Date

  
\_\_\_\_\_  
City Manager

1/30/10  
Date

Approved as to form:

  
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City Attorney