



OFFICE OF THE CITY CLERK PUBLIC RECORDS POLICY

The purpose of this policy is to establish procedures and policies relating to the records management function of the City of Edgewood.

This order consists of the following numbered sections:

- I. Scope
- II. Governing Authority for Records
- III. Defining a public record
- IV. General Records Procedures
- V. Records Retention, Distribution and Destruction
- VI. Electronic Records
- VII. Florida Sunshine Laws Manual

I. SCOPE

- A. The City of Edgewood recognizes the right of the public to have access to public records and the media's right to report on matters of public interest.
- B. The security of records or loss of vital data is of paramount concern to the City. The City shall have procedures in place to provide for the protection of records by preventing unauthorized access, destruction, dissemination or misuse of public records.
- C. The City recognizes the fact that unless a document is specifically exempted by statute (both state and federal) from disclosure, the vast majority of the business conducted by the City shall be and is subject to public review.
- D. The use of computer hardware and software systems has become integral to the efficient operation of City of Edgewood. The City shall establish procedures for the proper use and security of these systems.

II. GOVERNING AUTHORITY FOR RECORDS

- A. The State of Florida has rules and regulations regarding the retention of public records, as defined in Chapter 119 of Florida Statutes.
 1. Chapter 119 states the Florida Department of State, Bureau of Archive and Record Management, is charged with establishing a records retention program for use by local government agencies.
 2. Chapter 257, Florida Statutes, requires each department to cooperate with the State in complying with the provisions for records retention and disposal by establishing and maintaining an active and continuing program for the economical and efficient management of records.
- B. The City of Edgewood has adopted, by reference, the manuals of the Florida Bureau of Archives and Record Management General Records Schedule GSG1 for Local Government Agencies.

III. DEFINING A PUBLIC RECORD

- A. The Florida Public Records Act provides a right of access to inspect and copy City records with a few exceptions such as confidential material. There are penalties provided by law if City employees do not comply, including civil actions, fines, and attorney fees. All records kept by the City of Edgewood are public unless they are exempt from disclosure under Florida Law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.
- B. A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail and text messages, sent and received) – that is created, received by, or comes under the jurisdiction of the City of Edgewood. Included are: documents, papers, letters, e-mails and text messages, sent, and received, maps, books, tapes / audio recordings, photographs, films, or other material.
- C. The City Clerk is charged with the responsibility of ensuring that the City’s public records program meets the mandates of the Public Records Act. All employees are responsible that records in their custody are accessible per Chapter 119.07 of the Florida State Statutes, which states that “every person who has custody of a public record shall allow inspection and copying of those records.”
- D. All records kept by the City of Edgewood are public unless they are exempt from disclosure under Florida Law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

IV. General Records Procedures

- A. Public records serve as a history of documented events and information necessary for future reference. Additional space required for the storage of records is also a consideration in determining whether to destroy or store the records. All action taken regarding the storage or destruction of public records must be in accordance with this policy and as mandated by the Florida Bureau of Archives and Records Management.
- B. The City Clerk is designated the official custodian of records for the City of Edgewood City Hall Department. The duties of the Records Custodian shall be as follows:
 - a. To be familiar with chapters 119 and 257 Florida Statutes, including the rules and guidelines of the Bureau of Archives and to ensure these laws and rules are observed by City of Edgewood personnel.
 - b. To act as the City Clerk’s representative to the Florida Bureau of Archives and Record Management.
 - c. To coordinate the destruction of records
- C. Records Retrieval Procedure
 - 1. When a public records request is received, the person receiving the request shall promptly provide the request to the City Clerk.
 - 2. The City Clerk shall acknowledge to the requestor the receipt of the request.
 - 3. If the request does not require extensive information technology resources or extensive clerical or supervisory assistance by City personnel, the person receiving the request shall work with the City Clerk to fulfill the records request within a reasonable time.
 - 4. If the request requires extensive technology resources or extensive clerical or supervisory assistance by City personnel, the City Clerk shall provide the

requestor with an estimate of the special services charge the City will require in the processing of the request. Upon acknowledgement by the requestor of the special services charge and receipt by the City of a deposit of one half of the estimate, the person receiving the request shall work with the City Clerk to process the request. If the amount held in deposit are exhausted, the City Clerk shall pause the processing of the request, make available all documents or copies already processed and notify the requestor of the need to pay the remainder of the special services charge estimate prior to continuing the processing of the request. Upon receipt of the remainder of the special services charge, the remainder of the request shall be processed. If any of the deposit remains after completion of the request, such remainder shall be returned to the requester.

5. Special service charges for clerical or supervisory assistance by City personnel shall be due when the time necessary to fulfill the request shall exceed thirty (30) minutes; the charge for such time shall be the hourly rate of the lowest paid employee capable and competent to perform the necessary tasks regardless of whether such employee is the employee performing the tasks.
6. Charges for copies made by the City shall be as set forth in Section 119.07, Florida Statutes, as amended from time to time.
7. Charges for copies made off-site shall be in the amount charged to the City by the off-site vendor.
8. Prior to making any record available for inspection or copying or prior to providing copies of records, the City Clerk shall ensure that all confidential information is redacted. If extensive clerical time is required for the redaction of documents, such time shall be chargeable as a special services charge.
9. The City is required to provide access to public records; it is not required to provide information from the records or answer questions about the records.
10. All public records requests shall be fulfilled in a time reasonable for the nature and scope of the request.
11. The City Clerk shall ensure that the requestor is kept updated as to the status of the public records request at all times.

V. RECORDS RETENTION, DISTRIBUTION AND DESTRUCTION

- A. All employees charged with the maintenance and storage of department records shall comply with the State of Florida Records Retention Schedule (GS-1) as promulgated in Chapters 119 and 257 of Florida Statutes.
- B. Records disposition documents shall be completed in accordance with the records retention and disposition guidelines established by the Department of State, Division of Library and Information Services, Bureau of Archives and Records Management.
- C. Upon receipt of the approved Records Disposition Request the reports shall be destroyed by shredding.
- D. The release of all records shall be coordinated through the Records Section.
 1. The City Clerk (or designee) shall have the specific responsibility for the processing of records requests for both personnel and/or the public.

2. The City Clerk shall ensure that the appropriate fees are charged for the duplication of all records, according to Florida Statutes.
- E. The public is guaranteed access to public records pursuant to Article 1, Section 24 of the State of Florida Constitution and Chapter 119 of Florida Statutes.
1. Following are the guidelines for handling public record requests.
 2. Public records include the following: documents, papers, letters, maps, books tapes, photographs, CD's, thumb drives, data processing software, other material.
 3. F.S.S. Chapter 119.011(12) defines public records to be records made regardless of the means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official department business.
 4. Public information consists of those materials which constitute records, that is materials that have been prepared with the intent to perpetuate, communicate or formalize knowledge.
 5. Records generated by any other public or private agency, person, partnership, corporation or business entity acting on behalf of the department are public records.
 6. E-mail messages sent in the course of business are public records.
 - a. Personal e-mail messages do not fall within the definition of public records.
 - b. E-mails related to employment decisions can become public records.
 - c. E-mails to staff (including attorneys) may become public records.
 7. Text messages sent in the course of business are public records.
 8. Electronic PIN messages and text messages sent through department servers are public records.
 - a. The City is not obligated to provide records on a continuing basis (open-ended requests) to a requestor.
 9. Requests Made On Behalf Of Litigation
 - a. For those public records requests that become and/or are made on behalf of litigation, the City Clerk must be notified to ensure backups are made to comply with the requirements of the law. If litigation is pending or reasonably anticipated, records relating to that litigation should not be disposed of in any manner and the Mayor and City Attorney should be provided notice. The City Attorney will provide notice when it is permissible to dispose of records relating to litigation.
 10. Denial Or Redaction Of Records
 - a. Any type of record classified as exempt under Chapter 119, Florida Statutes is not open for inspection by the public. Access to public records is limited only by specific statutory or Constitutional exemptions. If the requestor makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requestor an opportunity to revise the request by informing the requestor of the manner in which records are

maintained and accessed by the office. Examples of records that are exempt from the Public Records Law (Sec. 119.071, F.S.), as may be amended, include, but are not limited to:

- b. Social Security numbers of all current and former agency employees;
- c. Employee medical information unless requested by a legal representative or court order;
- d. Home address, phone numbers, and photos of current or former Human Resources directors and any information regarding their spouse or children;
- e. The home addresses, telephone numbers, Social Security numbers, and photographs of active or former law enforcement, and code enforcement personnel and places of employment of the spouse and children;
- f. Information contained in e-mail or other documents pertaining to active criminal investigations or criminal intelligence including victims of sex offenses and child abuse, complaints of child abuse, crime victim information, crime victim personal asset information, Identity of death victims, surveillance techniques or procedures, tactical operation plans, information about internal complaints if the file is still open, Information about current and former law enforcement personnel, attorney information, and juvenile records (unless allowed by F.S.S. 985.04). All such requests shall be forwarded to the Police Chief and Police Clerk for response.
- g. Bank account numbers and debit, charge, and credit card numbers held by an agency;
- h. Any information that would identify or help 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;
- i. A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency) that reflects the mental impression, conclusion, litigation strategy, or legal theory of the attorney of 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;
- j. Information or plans that can jeopardize the security of public buildings including construction plans, floor plans, and types of security systems;
- k. Data processing software obtained by the City of Edgewood under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software that is sensitive; although the designation of

agency-produced software as sensitive shall not prohibit the City of Edgewood from sharing or exchanging with another public agency; and

- I. Audit work papers and notes, until such time as the audit is final. All public records requests involving personnel records will be directed to the Human Resources Director through the City Clerk to ensure compliance. Requests for documents that may contain information that 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.
- m. Any denial of public records requested must include an explanation, including

VI. ELECTRONIC RECORDS

- A. Sec. 119. 2)(01(e), Florida Statutes, provides that access to public records by remote electronic means is an additional method of access that agencies, including municipalities, should strive to provide, to the extent feasible.
- B. Florida Administrative Code Rule 1 B- 00326. provides regulations relative to electronic recordkeeping which are applicable to the City of Edgewood.
 1. Said Rule provides that the records custodians for agencies, including municipalities, may designate specific records as the official record, said records being named the "record (master) copy".
 2. Said Rule further provides that the record (master) copy may be maintained and kept on electronic media so long as the enumerated requirements in said rule are met.
 3. The City of Edgewood desires to approve the keeping and maintaining of the City's record (master) copy documents on electronic media.
- C. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held device (such as a smartphone or tablet) are to be treated in the same fashion as records in other formats, such as paper or audiotape.
- D. Public record content transmitted to and from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.
- E. E-mail, which is a public record but contains exempt information, should be produced but the exempt information must first be redacted. If in doubt as to whether an e-mail message is a public record or contains exempt information, the City Clerk who will consult with the City Attorney as necessary.
- F. The record series entitled "Transitory Messages," found in the Florida Department of State General Schedule for Local Governments GS1-L, is designed to cover certain e-mail communications, as well as other information with short-term administrative value. The transitory message series is defined as follows:

1. Transitory messages consist of those records that are created primarily for the informal communication of information, as opposed to communications designed for the perpetuation or formalization of knowledge.
 2. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal nature of transitory messages might be compared to the communication that might take place during a telephone conversation or verbal communication in an office hallway.
 3. Transitory messages would include but would not be limited to e-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages. Retention is defined as retaining until obsolete, superseded, or administrative value is lost.
- G. In order for records to be easily accessed, maintained and dispositioned correctly, each electronic file will be named using a standard format including,
1. Record series
 2. Description of content
 3. Date of creation
- H. Electronic files will be stored in a shared drive, with secured access. An Electronic Document Management System (EDMS) may be used to control the creation, use and destruction of documents.
- VII. **A copy of the most recent edition of the Florida Sunshine Laws manual is available via**
- VIII. <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf> for the purpose of keeping employees of the office and the public educated as to the office's obligations under the Florida Public Records Act, Open Meeting Act, records retention laws and Personal Information Systems Act. The Public Records Act is fully outlined in Florida Statute Chapter 119 at the following link: <http://www.leg.state.fl.us/Statutes>.