Records Management

- Public Records
- Records Retention
- Personnel Files
- Department Files

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Objectives

- Examine the Records Retention Schedule for HR/Payroll documents.
- Define documents that should not be maintained in department files due to security concerns.
- Understand the Public Records Law.
Records Retention

• Each HR/Payroll document has a set retention requirement indicated in the General Records Schedules maintained by the State of Florida.

• UCF must comply with the retention requirement.

• The schedules most pertinent to UCF is GS1-SL and GS5.
Record Copy

• Official copy of an original record.
• Public records designated by the custodian as the official record.
• The department that maintains the record copy of the document must adhere to the records retention schedule.
Duplicate Copies

• Documents that are not designated as the official record.

• Departments are not required to maintain the records retention schedule for duplicate copies or request approval to dispose of the duplicate copies.
Document Disposition

• Sandra Cherepow is UCF’s Records Custodian.

• Complete the Records Disposition Document for record copy documents that have met their records retention.

• Submit the form to Sandra Cherepow for approval.
Records Retention Resources

Personnel Files vs Department Files

Official Personnel File

- Maintained by the Dean’s or VP Office for faculty members.

Department Files

- Maintained at the college/department level.
- Contact your college of VP office to determine the location of the files in your unit.
Personally Identifying Information

- Any name or numbers that may be used alone or in conjunction with any other information to identify a specific person.
- UCF Policy, Identify Theft Prevention, 2-105.1

- Name
- Address
- Telephone Number
- Social Security Number
- Date of Birth
- Driver’s License Number
- Alien Registration Number
- Passport Number
- Banking Information
Department Files

• Securely locked or password protected.
• Limited number of individuals with access to the keys.
• Keys are hidden away and kept out of sight.
Security Concerns

• What is the business reason for maintaining the duplicate copy of the documents?

• Human Resources maintains the record copy and adheres to the records retention schedule.

• Direct Deposit (Banking) Information
• W-4 Forms
• I-9 Forms
• Copies of Social Security Cards
• Medical Information (HIPPA)
• Retirement Documents with Dependent’s SSNs
Florida’s Public Records Law: Understanding the Requirements & UCF Procedures

Youndy C. Cook
Deputy General Counsel
What we’ll cover

• What is a public record?
• What public records are not subject to public disclosure?
  – Exemptions
• Handling public records requests
• Records Retention
• Penalties
Public Records Definition

Florida Statutes Chapter 119 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 means of transmission

- made or received pursuant to law in connection with transaction of official business by the agency
Public Records Defined (cont)

• Functionally: almost anything created or received for UCF business is a public record

• Florida Supreme Court has said that “public record” encompasses all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge.

• This is true regardless of format and even when still in draft form
Public Records Come in All Shapes & Sizes

- A public record is a public record based on content, not based on format
  - Doesn’t matter if marked “Confidential”
- Public records may take the form of a document, an electronic file, an email, a recording (sound or video), a photograph, a 3D model, etc.
- The issue is whether the record was made or received by the public agency in connection with the transaction of official business.
What is **not** a public record?

Not much

- **Personal Notes**
  - Notes designed for personal use (to jog memory) & not shared

- **Transitory Messages/Documents**
  - Not perpetuating knowledge (ex., reminder of meeting)

- **Personal records**
  - Personal items you have or receive at work (ex., email from Mom accidentally sent to work address)
  - Note: policy on use of univ equip
What is a Public Record

• Employment Records
  – Incl Salary info
  – Incl address, email

• Audit findings

• Emails received or created by UCF employees about official business

• Reports about a closed investigation

• Incident reports by police (after investigation closed)

• Interoffice business memo

• Meeting minutes

• Handbooks

• Policies/procedures
Public Disclosure

• In general, all public records must be made available for inspection and/or copying in response to a request for them.

• More regarding handling of records requests later in this presentation
  – But see University Policy 2-100.4
What is confidential?

• A record may be a public record – because it was sent or received in the course of conducting UCF business and perpetuates or formalizes knowledge

• But not be subject to public disclosure because it contains confidential and exempt information

• General Counsel has responsibility for making final determination of exemptions
Records Exempt from Disclosure

- Education Records
  - Student grades, class schedule, disciplinary file, etc
- Faculty Academic Evaluations
- SSNs
- Medical Records
- Certain research records
Records with Exempt Information

- Some records are public records and contain mostly non-confidential information.
- In such cases, if the record is requested, the University will identify the exempt information and \textbf{redact} it from the record before public disclosure.
  - Ex. SSN on an employment record
  - Ex. Student information in a general university record
Public Records Requests

• UCF Policy 2-100.4 (last revised Jan 2014)

• A person requesting public records is not required to reveal identity or purpose for seeking the documents – may ask for any reason or no reason at all

• Public records must be released within a reasonable time, under reasonable conditions, and under the Records Custodian’s supervision
Public Records Requests

• A public records request can be made
  – Verbally
  – By email or other writing

• If a person requests a public records in an electronic form, we must give it to the requester in that medium if that is how it is routinely maintained
  – Note: not required to alter
What is sufficient for a request?

• Magic words **not** required
• Request should reasonably describe the information or record requested
• Request should be specific as to time period and subject matter
• Custodian should not have to guess at what records the requestor is seeking
Acknowledgement

• We must try to acknowledge receipt of a request
  – Sometimes, this is not possible due to method of request

• Ex: “This will acknowledge the request you made [to Employee] on [Date] seeking _____ [here describe your understanding of records request]. If you consider the request described above to be incorrect or incomplete, please provide clarification.”
Suggestions

• Even if request is conveyed orally, try to confirm it in writing

• Ask for contact information
  – Requestor does not have to provide it

• If request is confusing, ask for clarification

• If request is written such that extraordinary effort will be required, you may suggest to the requestor that they clarify or narrow the request
Sidenote – Email Tips

• Given that most email messages you send or receive for work are public record, consider carefully the content and tone of any email you send

• If you don’t want others to read it, don’t hit send

• If topic is sensitive, consider phone call
Don’ts

• Do not create a record to fulfill a request
• Do not alter an existing record to fulfill a request
• Do not have to change the format of an existing record to fulfill a request
  – Though we might want to, on occasion
• Do not begin collecting or copying records until request is understood and applicable charges are paid
• Do not have to explain records or answer questions
Access to Public Records

• Do not create a record to respond to a records request
  – If responsive records do not exist, it’s appropriate to tell a requestor just that

• Providing access to public records is a duty of each agency

• Charges may be imposed for retrieving and copying the records
  – Special Service Charge
Material Costs

• Unless specifically stated otherwise, the following statutory fees apply to copying of public records:
  – Single sided page - 15¢ per page
  – Double sided page - 20¢ per page
  – Certified copy - $1.00 per page

• Exception: maps, aerial photographs, large format photos may be reproduced and charged a fee to cover the materials used for those duplications

• Charge actual costs of copying only – not labor used to make the copies
Special Service Charges

• Section 119.07(4)(d), Florida Statutes, authorizes the imposition of a special service charge to inspect or copy public records when the nature or volume of public records to be inspected is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance, or both.

• Extensive: more than 1 hour per requestor (combine time where multiple requests) in a month’s period of time

• The charge must be reasonable and based on the labor or IT/computer costs actually incurred
Cost Estimate

• Where there will be a cost for responding to a records request, especially where there will be a special service charge, prepare a cost estimate for the requestor.
• This should outline your best estimate of the work required and the cost for that work. This is not a guarantee.
• Request prepayment
Designated Offices – per Policy

• Per UCF Policy, there are designated offices for some types of requests:
  – Request for personnel records – HR
  – Request for demographic data – IKM
  – Request from lawyer/for legal case – General Counsel
  – Media request – News & Information
  – Request for business service records – UCF Business Services
Records Retention

• Retention of public records is a requirement of the public records law.
• State has adopted retention scheduled to dictate the period of time different types/categories of records must be retained.
• After that retention period, records may be scheduled for destruction after agency Records Manager consideration.
Penalties

- A person who has been denied the right to inspect and/or copy public records under the Public Records Act may bring a civil action against the agency to enforce the terms of Ch. 119

- University as agency:
  - Attorney’s fees and costs

- Employee:
  - Potential criminal penalties (if willful and knowing)
  - Disciplinary action
Further Information

• For assistance with a public records request or a public records question:
  Contact the Office of the General Counsel
  – Call (407) 823-2482
  – Email gcounsel@ucf.edu
Questions