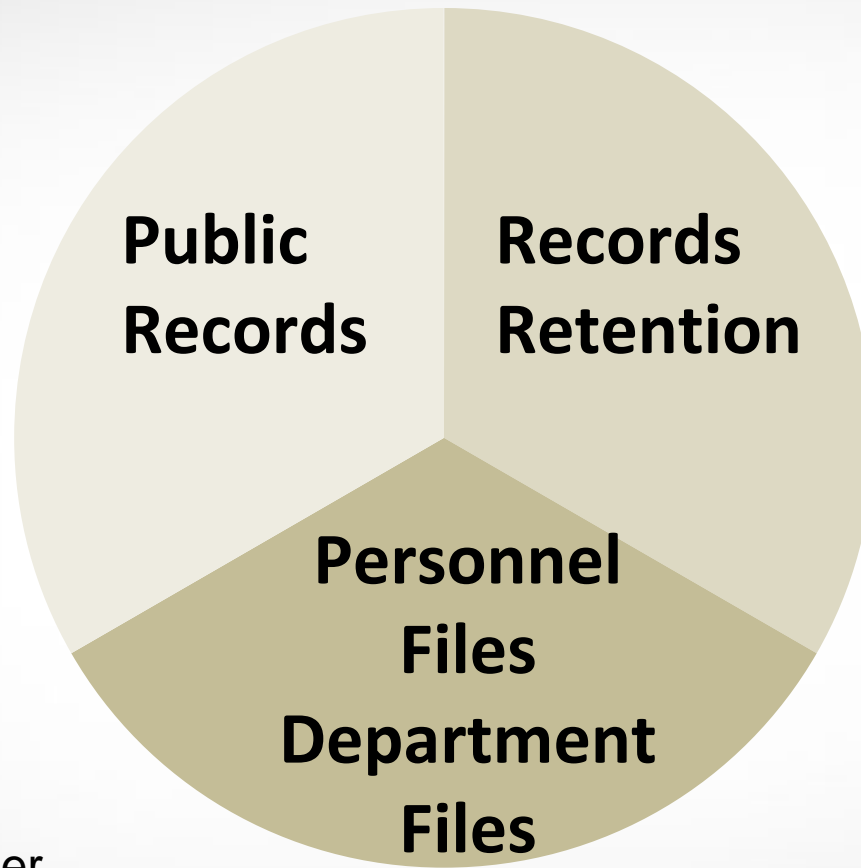


Records Management



Abbee Camen
HR-Records Manager
Abbee.Camen@ucf.edu
407-823-6382

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

- State of Florida Library and Information Services,
<http://dos.myflorida.com/library-archives/records-management/>
- General Records Schedule,
<http://dos.myflorida.com/library-archives/records-management/general-records-schedules/>
- GS1-SL,
<http://dos.myflorida.com/media/693574/general-records-schedulegs01-sl.pdf>
- GS5,
<http://dos.myflorida.com/media/693588/g05.pdf>



Personnel Files vs Department Files

Official Personnel File

- Maintained by Human Resources for USPS, A&P, and OPS employees.
- 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.

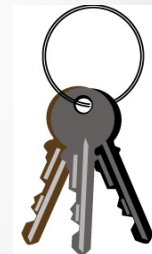


Personally Identifying Information

- 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
 - <http://policies.ucf.edu/documents/2-100.4FLPublicRecordsAct.pdf>



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 **redact** it from the record before public disclosure
 - Ex. SSN on an employment record
 - Ex. Student information in a general univ record



Public Records Requests

- UCF Policy 2-100.4 (last revised Jan 2014)
 - <http://policies.ucf.edu/documents/2-100.4FLPublicRecordsAct.pdf>
- 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

