

Frequently Asked Questions Regarding Public Records

1. What records are subject to disclosure under Florida's Public Records Law?

Virtually, any document, created, received or maintained by UNF, its employees or by its representatives acting in their official capacities is considered a public record and is subject to inspection by the public.

2. What about letters or memoranda marked "Confidential"?

What you name or call the document will not determine whether it is a public record. The *content* of the document is what matters. Only a specific statutory exemption makes it confidential and not subject to disclosure.

3. What about documents with one of those big red **CONFIDENTIAL** stamps on it?

Again, it is the *content*, not the big red stamp, that controls whether it is a public document.

4. Are there other "Confidential" yet "Public" documents?

Yes. Memoranda, letters or e-mails to or from UNF's Office of the General Counsel are public record unless they meet the statutory exemptions or the narrow attorney/client privilege.

5. What about tag lines on e-mail?

The *content* of the message controls whether it is a public document.

6. What documents are exempt from disclosure?

The most common confidential records that are exempt from public disclosure include:

- Social security numbers
- Medical information
- Personnel information prior to July 1, 1995
- Faculty academic evaluation of job performance
- Disciplinary records while discipline is in progress
- Student records under FERPA
- UNF foundation records regarding cultivation and solicitation of gifts, donor records and information regarding donors.

7. How much of "my" work is a public record?

Most of it! The limited exemptions for "personal" work include:

- Personal notes which are neither distributed to others nor filed as a permanent record
- Personal notes which are kept solely for the purpose of refreshing your memory
- Drafts you prepare but are not circulated

- Documents you prepare containing confidential exempt information.

8. Is there an exception for "working drafts"?

No. While portions of your "personal" work may be exempt, please understand the following:

- One "personal" work is circulated for "review" or "comment" by others, it is public record.
- Once circulated, "preliminary" or "working drafts" are considered to "perpetuate, communicate, or formalize knowledge" about University business and are subject to disclosure.

9. Are there any other exemptions?

Yes. Transitory messages are also exempt.

10. What are "transitory messages"?

Transitory messages are:

- Records created primarily for the communication of information that are not for the perpetuation of knowledge.
- Records that do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt.

11. Can you give me some examples of transitory messages?

Sure. Examples include: e-mail messages with short-lived, or no administrative value; voice mail, self-sticking notes, and telephone messages.

12. How are public records accessed?

By a "public records request".

13. Who can make a public records request?

Any person, even a non-resident of Florida.

14. How are these requests made?

They can be verbal, written or e-mailed.

15. What is the requestor entitled to?

The requestor can inspect and copy any public record which is not exempt from disclosure.

16. Does the requestor need to state a reason to inspect the public records?

No. The requestor has a right to conduct a "fishing expedition" and look at any public record. A requestor's motive is irrelevant and the requestor does not have to tell you why he or she wants the records.

17. What should I consider first when I receive a public records request?

- Is it clear what the requestor wants?
- Do I need to call the Office of the General Counsel for advice?
- Do any exemptions apply to the records request?

- Will there be a need to redact confidential information from the records to be produced?

18. What does "redact" mean?

Redact means to "mark through" or "white out" confidential information.

19. How long do I have to respond to a public records request?

The records custodian has a "reasonable" time to respond so make sure you know what to send.

20. Can I charge the requestor when I provide the public records?

Yes. The records custodian can charge the requestor for:

- The cost of labor for retrieving and redacting records if the amount requested is voluminous.
- The cost of duplication (\$.15 per copy, \$.20 for double-sided copies and \$1.00 per certified copy).

21. What is not required when responding to a public records request?

- No requirement to create records.
- No requirement to provide the records in the format requested.
- No requirement to meet requestor's "timetable".
- No requirements to provide information not in the records.
- No requirement to explain the records.

22. Are there any penalties for not complying with the Public Records law?

Yes, the penalties for intentionally failing to comply with the public records law are:

For the University:

- Attorney's fees and costs to the prevailing party if a lawsuit is filed.

For the employee:

- Potential criminal conviction, including up to \$1,000.00 fine and serving 1 year in jail

23. How long do I have to retain public records?

- Must be maintained in accordance with destruction schedules promulgated by the state librarian.
- The Secretary of State publishes the [General Records Schedules for Universities and Communities Colleges](#).
- Most records must be maintained for 3 years, except those that are transitory.
- You can also review the University's [Records Management website](#) for further information.

24. Are my e-mails subject to disclosure?

Yes. E-mail messages made or received by UNF employees in connection with official business are public records and subject to disclosure. Anyone, including newspapers and other media, can access the University's public records; therefore, what you e-mail today could be tomorrow's headline or lead story. Consequently, if you wouldn't want others to read it, don't send it.

25. Any other e-mail tips you can give me?

Yes.

- Trust your instincts - if you are concerned that what you want to e-mail shouldn't be viewed by others - don't send it.
- Picking up the telephone instead may be the better choice.
- If you wouldn't say it to someone, you may not want to e-mail it.

26. What if I have more questions regarding Florida's Public Records Law?

Please contact UNF's Office of the General Counsel
4567 St. Johns Bluff Road South
Building 1, Room 2100
Jacksonville, Florida 32224
904-620-2828

You can also try the following website:

[Florida Government-in-the-Sunshine Law](#)

[Chapter 119, Florida Statutes](#)