

The School District of Escambia County Public Records Process

PURPOSE

The Escambia County School District fully embraces the letter and spirit of the Florida Public Records Law, Chapter 119, Florida Statutes, governing the public's right to access records held by a public agency (i.e. public records). In support of the public's right to access such records, the Escambia County School Superintendent hereby establishes the following public records process. The guidelines developed below inform district staff about implementation of the Public Records Law within the district and provide uniformity when charging fees for access to and copies of public records.

AUTHORITY

Chapter 119.07, Florida Statutes

Section 257.36, Florida Statutes

SCOPE

This document outlines legal requirements, responsibilities, and describes procedures for providing access to public records. It should be applied to all activities which involve public records requests. This process complements the requirements of the Public Records Law and School Board Rule 1.14.

GENERAL LEGAL REQUIREMENTS

Public records (hereafter referred to as "records") held by the district, except those specifically protected from disclosure by a statutory exemption, shall be available, in any form and format used by the district, to all persons for inspection or copying under the supervision of the records custodian (or designee) during the district's normal business hours (generally 7:30 a.m. to 4:30 p.m. Central Time, Monday through Friday).

Copies of records shall be made available to the public in the format requested providing they are stored in that format. Copies of records shall be available for a fee as specified in law or, if none is specified, for a fee not to exceed the actual cost of duplication. Currently, photocopies are .15¢ each. If a person wishes a photocopied page to contain a certification that it is a true and correct copy of the original, there is an additional charge of \$5.00 per page. If the nature or volume of records to be inspected or copied is such as to require extensive use of district information technology resources (as defined in Florida Statutes) or extensive clerical or supervisory assistance by district personnel, a service charge will be imposed. This charge shall be reasonable and shall be based on the cost incurred for such extensive use of the information technology resources or the actual labor cost of the personnel providing such assistance.

RESPONSIBILITIES

All district level records requests should immediately be referred to the Deputy Superintendent's office. That office may respond to the request, relay it to the correct department for response, then act as the conduit for the release of and receipt of payment for any fees or charges. When the request is only to review records, the office of the Deputy Superintendent will facilitate the public review of said records.

- Schools and departments should identify the records and parts thereof in their custody which are exempt from inspection, examination, and copying under the Public Records Law. The office of the Deputy Superintendent and/or General Counsel will answer any related questions or refer you to the appropriate legal authority.
- Principals, managers, and supervisors should be knowledgeable of records inspection and copying activities occurring within their area of responsibility.
- Principals, managers, and supervisors should ensure that the actual cost of duplication and/or extensive use charges are applied to records requests in a consistent manner and communicated to the Deputy Superintendent's office.

PUBLIC RECORDS REQUESTS

Requests for records may be made in writing, by electronic mail, telephone, fax, letter, or in person. The requesters do not have to identify themselves or state the reason they desire the records. The requester may be asked to complete forms to assist in defining or documenting facts necessary for complying with records requests; however, the requester is not obligated to complete such forms or to sign such a form as a condition for obtaining records.

Requests to view personnel files are governed by Florida Statutes, which requires the custodian of the personnel files to maintain, in those files, a record of those persons reviewing such files each time the files are reviewed.

Requests for records should be accepted and records made accessible for inspection or duplication during normal business hours. Inspection and examination should be allowed as soon as reasonably possible after receiving the records request. No set time delay is allowed by law.

PUBLIC RECORDS FEES AND CHARGES

The Public Records Law allows the district to collect its actual cost for materials and supplies used to duplicate records. In addition, the district may collect a reasonable service charge when the request requires the extensive use of information technology resources and/or the extensive use of clerical or supervisory assistance. District administration considers record requests taking more than fifteen (15) minutes to pull the record, copy the record, delete or redact there from any confidential material, to have appropriate district staff supervise the review of the record, or to otherwise make available the requested material, as a diversion of district resources, which will result in extensive use charges.

When multiple requests are made by one individual, they may be considered as one request and extensive use charges may be applied after the first fifteen (15) minutes of staff or resource time. Costs totaling less than \$1.00 will be waived, as it is not

cost effective to process payment for such an amount.

The following fee and/or charge standards and guidelines are designed to ensure that the district is consistent in its application of the law and School Board Rules, which allow the recovery of actual duplication costs and extensive use charges.

1. **Actual Duplication Costs** – Actual duplication costs shall be applied uniformly throughout the district in compliance with the following guidelines, unless otherwise designated by School Board Rule.

(a) **Paper copies** – Paper copies, letter, legal, and computer size, shall be provided at a cost of .15¢ per one-sided copy and .20¢ per double-sided copy. The cost of providing a certified copy of a record shall be no more than \$1.15 per page.

(b) **Shipping** – U.S. postage or other shipping costs incurred in the delivery of records shall be included in the actual duplication costs charged to the requester, or may be facilitated by providing a postage-paid envelope or means of shipping.

(c) **Audio Recording** – The cost of an audio recording is \$5.00 plus any staff/information technology resource time in excess of 15 minutes. The district will accept a new *unopened* USB drive of the same memory from the requester and, in this instance, the cost of the USB drive will not be included in the final charges.

(d) **Video Recording** – The cost of a video recording is \$5.00 plus any staff/information technology resource time in excess of fifteen (15) minutes. The district will accept a new *unopened* USB drive of the same memory from the requester and, in this instance, the cost of the USB drive will not be included in the final charges.

(e) **Electronic Files, USB Drive, or CD Rom** – The cost of a USB drive and/or CD Rom is \$5.00 plus any staff/information technology resource time in excess of fifteen (15) minutes. Electronic files provided via email will be at no charge. The district will not accept external disks or used USB drives brought in by a requester due to the issues regarding the possibility of contracting computer viruses.

2. **Extensive Use Charges** – Extensive use charges shall be applied uniformly throughout the district in compliance with the following guidelines. Application of the charges set forth in these guidelines will be uniform when charging for extensive use of staff time or information technology resources. When the use of a particular technology is not specifically stated herein, the department should consult with the Deputy Superintendent's office to determine a fair fee charge.

(a) **Labor Costs** – When more than fifteen (15) minutes of clerical and/or supervisory time is spent in the inspection or duplication of a record, the special service charge shall be calculated from the hourly cost of the salary of the employee (s) required to fulfill the request. If the employee is not paid hourly, then the hourly cost will be the annual salary of the employee divided by 2,080.

(b) **Information Technology Resource Costs** – Information technology resources include use of personal computers, microfiche readers, or other office machinery. A special service charge shall be collected if the time reasonably required to produce or display the record is over fifteen (15) minutes.

The special service charge shall be based on a prorated amount to be determined by the department providing the record.

3. Fee Collection and Processing -

(a) When all allowable fees/charges applicable to a particular records request can be calculated in advance, they should be collected in advance.

(b) When actual duplication costs and extensive use charges cannot be calculated in advance, the request shall be quoted and collect one-half of the *estimated* costs in advance. (Providers should use their best efforts to ensure that the estimates are accurate within 25% of the final cost). If the requester accepts the estimate and prepays half the cost estimate, the district will then fill the request and furnish the records upon receipt of the balance due.

(c) Should the requester fail to pay the total duplication costs and/or extensive use charges incurred to fulfill the request; then future records requests by such an individual will not be filled without payment of all past due amounts and a deposit of at least one-half the estimated cost of the new request.

(d) No sales tax is currently charged on public records fees.

4. Public Records Exemptions -

The district is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law. Each school and office is responsible for knowing what information is exempted from the law. A specific listing is available in Florida Statutes, Section 119.07, and the annual Government in the Sunshine Manual. When in doubt, please consult the Deputy Superintendent.

Confidential information shall be deleted or redacted from records prior to inspection, examination, or distribution of copies of the nonexempt portions. Charges for the use of district/staff resources to extract the information may be levied according to the above guidelines. Future data processing systems should be designed with extraction capabilities so that the non-exempt portions of records can be made readily for public review.

Questions relative to these guidelines should be directed to the office of the Deputy Superintendent of Schools, 75 North Pace Boulevard, Pensacola, FL, 32505, 850-469-6131 – phone, 850- 469-6379 – fax, and email spayne2@ecsdfi.us.