



## POLICY

<b>SECTION: CSTB</b>	<b>POLICY# 019-C0044</b>	<b>PAGE: 1 of 6</b>
<b>TITLE: <span style="color: red;">Public Records Policy</span></b>	<b>EFFECTIVE DATE: 1.22.2020</b>	
<b>REPLACES: Public Records Request</b>	<b>DATED: <span style="color: red;">Rev. 6.11.2021</span></b>	

### **DISTRIBUTION: CAREERSOURCE TAMPA BAY STAFF**

#### **PURPOSE:**

##### **Records Request**

To outline CareerSource Tampa Bay's (CSTB) guidelines that allows access to public records through a customer-friendly process that is easy and affordable, while protecting the confidentiality of its customers. The procedures outlined ensures the efficient and timely processing of public records requests while in accordance with the requirements of Chapter 119 of the Florida Statutes, the "Public Records Act."

##### **Records Retention**

To outline guidelines for records management, including establishing and maintaining criteria and procedures for the efficient, effective, and economical management of this organization's public records. Proper records management must be in accordance with relevant Federal and State law and regulatory requirements and include procedures for the:

- a) Retention and maintenance; and
- b) destruction of documents which no longer need to be retained; and
- c) guidance for the Board of Directors, staff and contractors with respect to their responsibilities concerning document access, retention and destruction.

#### **BACKGROUND:**

CSTB is a Florida not-for-profit corporation that serves as one of 24 regional workforce boards in the State of Florida under the direction of the Department of Economic Opportunity and CareerSource Florida. CSTB was designated as "the administrative entity and fiscal agent for all programs promulgated" under the Workforce Innovation and Opportunity Act of 2014 and Florida's Workforce Innovation Act of 2000. As such, CSTB is subject to the Public Records Act.

## Records Request

Every person who has custody of a public record shall permit the record to be inspected by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the **Public Records Coordinator** of the public record or his or her designee. Upon request, they shall furnish a copy of the record upon payment of the fees noted below.

## Records Retention

Regional Workforce Boards are required to have processes and procedures in place to manage, retain and properly dispose of program and financial records in accordance with OMB Circular A-110; Chapter 119, Florida Statutes; Florida Administrative Code 1B-26.003; and specific program related federal requirements including, but not limited to, 29 CFR 97.42 and 95.53.

## POLICY:

### Records Request

It is the policy of CSTB that all public records are not exempt or confidential and are in CSTB possession shall be made available and open for inspection by any person desiring to do so at a reasonable time, under reasonable conditions, and under the supervision of the **Public Records Coordinator** or his or her designee. Reasonable conditions mean that inspection must be done during normal business hours of CSTB, excluding CSTB holidays. CSTB is not required to create a new record, reformat, or provide an explanation of a document. CSTB's responsibility is to make the requested existing records available pursuant to the requirements of the Florida Constitution and the Public Records Act.

### Records Retention

It is the policy of CareerSource Tampa Bay to comply with all applicable state and federal statutes and administrative rules pertaining to public records management by establishing and maintaining an active and continuing program for the economical and efficient management of our public records.

## Definitions

1. **Actual Cost:** The cost of goods and supplies used to duplicate the requested material does not include the labor cost or overhead cost associated with such duplication.
2. **Confidential:** Information that has been declared confidential by Florida or federal law. As used in this policy, the term confidential refers to entire record systems, specific records, or individually identifiable data that by law are not subject to public disclosure under Article 1, Section 24 of the Florida Constitution, Chapter 119 of the Florida Statutes, or applicable federal laws. Confidential information is not subject to inspection by the public and may be released only to those persons and entities as specifically designated in relevant statutes. In the absence of specific statutory provision allowing its release, disclosure of confidential information is prohibited.
3. **Exempt Records:** Records that contain information which is expressly made not subject to the mandatory access requirements of the Public Records Act.



	\$0.15 for each additional letter/legal one-sided copy
	\$0.20 for each additional two-sided copy
Audio tape duplication:	Actual cost incurred
Digital data duplication:	Actual cost incurred
Archived document retrieval:	Actual cost incurred
Postage:	Actual mailed fee
	<i>*When documents are mailed.</i>
Certified copies:	\$1.00 for each page
All other copies:	Actual cost incurred
Special Service Charge:	Charges will be calculated based on the cost of wages and benefits of the personnel who perform the public records request

2. A **Special Service Charge** pursuant of subsection 119.07(4) (d) of the Florida Statutes, will be added to the fee for duplicating the requested material if the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of CSTB, or both. The Special Service Charge shall be reasonable and based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by CSTB or attributable to CSTB for the clerical and supervisory assistance required, or both. The Special Service Charge shall be in addition to the actual cost of duplication. CSTB shall assess a Special Service Charge when CSTB personnel spend more than thirty (30) minutes retrieving records, reviewing them for exempt or confidential information, redacting such information (if applicable), and preparing, copying, and refiling them. The rate charged for clerical or supervisory assistance will be based on that of the lowest paid full-time CSTB personnel capable of processing public records requests (based on salary and benefits) even if a specific request requires labor by higher-paid employees. In instances where legal review is necessary, the charge will be based on the attorney fees charged to CSTB. After the first thirty (30) minutes, hourly rates will be charged by the quarter hour.
3. When documents are sent by email, the only charge will be a Special Service Charge, if applicable.

## **Records Retention**

The Florida Public Records Law requires that public agencies, such as CareerSource Tampa Bay, retain public records in accordance with the Department of State's published required retention schedules. CareerSource Tampa Bay is also subject to federal record retention laws and regulations.

CareerSource Tampa Bay shall retain all public records/documents for at least the minimum times shown in the Department of State's retention schedules for GS1-SL, State and Local Governments (the schedule that must be followed by CareerSource Tampa Bay) or the applicable federal program retention schedule. All staff must retain all public records/documents as described within this policy. Information on the General Record Schedules can be found on the Florida Department of State, Division of Library and Information Services, Records Management website:

<https://dos.myflorida.com/library-archives/records-management/general-records-schedules/>

CareerSource Tampa Bay's primary information and records management systems are ATLAS for programmatic records and a specified drive on the internal server for other records. Where possible, all paper documents received or created should be converted to digital format (pdf) and saved into either ATLAS or on our internal server as appropriate. Once a public record is digitized, CareerSource Tampa Bay shall maintain the electronic copy as the public record and the paper copy shall then be considered a duplicate. As a duplicate, the administrative value is immediately lost, the paper copy can be disposed of in accordance with this policy's disposition requirements.

In limited circumstances, such as medical records, there may be a need for paper files to be created and maintained in accordance with the records retention schedule.

## **Disposition of Public Records**

Contained within the Department of State's Records Management Manual is a requirement that agencies "*dispose of records that have met their retention requirements and are no longer needed.*" There are three general requirements for disposing of public records: 1) CareerSource Tampa Bay must ensure that the records have met all retention requirements; 2) CareerSource Tampa Bay must document internally the disposition of any public records in accordance with Rule 1B-24.003(9)(d), Florida Administrative Code.; and 3) Rule 1B-24.003(10), Florida Administrative Code, specifies that destruction of public records must be done "*in a manner that safeguards the interests of the state and the safety, security, and privacy of individuals.*"

CareerSource Tampa Bay shall adhere to the Department of State's published guidelines regarding the physical disposition or destruction of public records/documents, including

- A. Delaying record disposition due to pending or reasonably anticipated legal action, an audit that has not closed, a current public record request, or a government investigation has been launched or is reasonably anticipated;
- B. Ensuring that Personally Identifiable Information is protected during the disposition; and
- C. Completing and maintaining disposition records permanently. The Department of State's published guidelines require that CareerSource Tampa Bay identify and document the following when disposing of public records/documents (with the exception of records that have retention of "Retain until obsolete, superseded or

administrative value is lost.”) This shall be accomplished using the CareerSource Tampa Bay record disposition form.

- 1) Records retention schedule number;
- 2) Item number;
- 3) Record series title;
- 4) Inclusive dates of the records;
- 5) Volume in cubic feet for paper records; for electronic records, record the number of bytes and/or records and/or files if known, or indicate that the disposed records were in electronic form;
- 6) Disposition action (manner of disposition) and date; and
- 7) Verification from the company destroying the records.

No staff, other than the Public Records Coordinator, has the authority to dispose of any record or document unless it is a Personal and Private Document as defined above or the retention schedule designates the record retention as “Obsolete, superseded or Administrative value is lost.” If the record is designated on the attached schedule as “Obsolete, superseded or Administrative value is lost” staff may dispose of the document by placing it in one of the shred bins located throughout the offices of CareerSource Tampa Bay.

At the end of each program year the Public Records Coordinator shall send out a communication to appropriate staff instructing them on records that shall be prepared for disposal and others that must be prepared for retention.

**References:**

- Florida Statutes, Chapter 119  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0119/0119.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119.html)

**INQUIRIES:** Any questions about this procedure should be directed to the Chief Executive Officer, Director of Fiscal Compliance and/or their designee.