

TOWN OF OAKLAND PUBLIC RECORDS POLICY

1. PURPOSE

Ensure compliance with the State of Florida Records Law, affirm the public's right to access Town records, set procedures to facilitate access to public records, establish fees to cover costs for public records requests. Statutory reference: Florida Statutes Chapter 119.

2. SCOPE

This document outlines policies, responsibilities, and describes procedures for providing access to public records. It should be applied to all activities which involve public records requests. These guidelines compliment, but do not replace, the requirements under the Public Records Law and other Town policies. This policy applies to every employee in the Town.

3. POLICIES

It is the policy of the Town of Oakland that all municipal records, except those exempted by law, shall be open for personal inspection, examination, and copying.

4. RESPONSIBILITIES

The Custodian of Public Records for the Town of Oakland is the Town Clerk.

The Custodian of Public Records for the Oakland Police Department is the Support Services Manager.

An alternate Custodian shall be designated by the current Custodian or the Town Manager.

The Custodian of Public Records must be notified immediately when any Town official or employee receives a request to inspect or copy public records. The Custodian, or designee, will promptly respond to the request and then relay it to the correct department for response. The Custodian or designee will act as the conduit for the release of all public records and facilitate payment for any fees or charges. When the request is only to inspect records, the Public Records Custodian or designee will facilitate the public inspection of said records.

Department directors and supervisors must identify the records and parts thereof in their custody which are exempt from inspection, examination, and copying under the Public Records Law. The Public Records Custodian or his or her designee will answer any related questions.

Managers and supervisors shall make public records available to the Records Custodian upon request.

The Custodian of Public Records will provide adequate staff training in the requirements of the Public Records Law and the policies set forth in these guidelines, with particular attention to staffs responsibility for maintaining the confidentiality of exempt information or records.

5. PUBLIC RECORDS REQUESTS

Providers should accept requests for public records in writing, by electronic mail, by telephone, by facsimile, or in person. If the request is insufficient to identify the records sought, the provider should help the requester clarify, the request. Requests for records should be accepted and records made accessible for inspection or duplication during Town of Oakland's normal business hours.

Town officials and employees, who receive a request to inspect or copy public records, must submit such requests to Kim Gay, the Public Records Custodian, at (407) 656-1117 ext. 2104 or email kgay@oaklandfl.gov. Oakland Police Department employees, who receive a request to inspect or copy public records, must submit such requests to Stacie Quinn, the Public Records Custodian, at (407) 656-9797 ext. 2215 or email squinn@oaklandpdcom.

The Public Records Act does not contain a specific time limit for compliance with public records requests, however, the only delay in producing records permitted under Chapter 119, Florida Statutes, "is the reasonable time allowed to retrieve the record, to review the record for exempt information, and redact those portions of the record which are exempt." Many factors determine the "reasonable" period of time in which the requested information can be provided: the nature of the request, the time involved in collecting and generating the requested information, the scope and volume of the material involved, the general accessibility of the records, the personnel required to process the request and the information resources necessary to collect or generate the requested information. While every effort will be made to comply with public records requests promptly and in good faith, Town policy is that an initial response acknowledging the request to any public records request should be made within forty-eight (48) hours and will be processed in the order in which it is received.

If it is determined that a record or part of a record is exempt from inspection and copying, and the request is then denied, the basis for the denial, including the statutory citation to the exemption, must be communicated to the requester in writing if possible.

If a public record contains some information which is exempt from disclosure, only that portion of the record for which a valid exemption is asserted must be redacted, and the remainder of the record must be made available for inspection and copying.

All duplicate public record requests received from the same sender in the same day no matter of the medium will count as 1 (one) request. Once a request is made and filled, a new request will have to be made separately, even if it is for the same information.

6. PUBLIC RECORDS FEES AND CHARGES

The Public Records Law allows government agencies to collect the actual cost of material and supplies used to duplicate public records for requesters. Agencies may also collect a reasonable service charge, in addition to actual cost fees, when a request for public records requires the extensive use of information technology resources and/or clerical or supervisory assistance. Town of Oakland considers records requests taking more than 15 minutes to locate, copy, or otherwise make available the requested material as a diversion of resources which is susceptible to extensive use service charges. The following fee/charge standards and guidelines are designed to ensure that Town of Oakland is consistent in its application of rules which allow the recovery of actual and extensive use costs.

Extensive use of information technology resources or extension clerical or supervisory assistance by personnel of the agency is a flat rate of \$20.00 per hour.

The fees below do not include extensive use charges.

Actual Cost of Duplication – For all other copies – larger size paper, audio tape, video tape, CD, DVD, thumb drive, etc. – the cost to the requester will be no more than the actual cost of the materials used to duplicate the record. Contact the Office of the Public Records Custodian for current costs of materials used.

- a. Paper copies – Paper copies up to 8 ½ x 14 inches (letter and legal) must 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 \$1.00 per page.
- b. Printer Paper – The charge for computer printer paper shall be no more than [actual cost] per printed page of letter or legal size, and for all other paper sizes, the actual cost of duplication.
- c. U.S. postage or other shipping costs incurred in the delivery of records shall be included in the costs charged to the requester.
- d. Requesters Making Their Own Copies – A requester making his/her own copies or providing copying materials cannot generally be charged for the cost of making the copies. However, a service charge may be imposed if supervision of those making their own copies requires an extensive use of the Town's resources.
- e. Requester provided media – The Town will not accept Compact Discs (CD), Digital Video Discs (DVD) or thumb drives due to concerns relating to contracting computer viruses.
- f. Electronic Files – Electronic files sent via email to a requester will be provided at no charge unless an extensive amount of staff time is needed to compile or transmit such files.

7. FEE COLLECTION

- a. When all allowable fees/charges applicable to a particular public records request can be calculated in advance, they should be collected prior to the provider investing significant information technology resources and/or clerical or supervisory assistance.
- b. For the purpose of requiring a 50% deposit prior to rendering services, the term "extensive" is defined to mean two (2) hours or longer.
- c. Where actual costs and extensive use fees cannot be immediately determined due to the nature of the request, the provider shall give an estimated cost for producing the records and inform the requester that the actual cost may vary.
- d. All public records requested must be picked up and paid for within 30 days of notice of availability.
- e. All past due fees for requestor's unclaimed prior requests must be paid in full before the Records Custodian complies with subsequent request(s).
- f. No sales tax is to be charged for a public records request.
- g. All checks should be made payable to Town of Oakland.
- h. Charges Waivers – Fees or charges may be waived between Town of Oakland and other government agencies, by agreement between management, when the recurring exchanges or data sharing between agencies negates the need to apply these fees.

8. PUBLIC RECORDS EXEMPTIONS

All records are presumed open unless there is a specific statutory exemption. See F.S. 119.7(1)(e).

The Town is responsible for protecting information defined as confidential or as otherwise exempt from public inspection or copying under the Public Records Law. A specific listing is available in Florida Statutes, Section 119.07, and the annual Government in the Sunshine Manual. Questions regarding public record exemptions and application should be directed to the Public Records Custodian or his or her designee. Department directors and supervisors must attend Public Records seminars on a yearly basis.

Confidential and/or exempt information must be deleted or redacted from records prior to inspection, examination, or distribution of copies of the nonexempt portions. Charges for the use of Town resources to redact the confidential and/or exempt information may be levied according to the above guidelines.

9. DISCLAIMER

Town officials and employees are encouraged not to use Town-owned computers or other communication devices to store or transmit personal or confidential information. Such information may be overlooked and/or inadvertently released pursuant to a records request. Town officials and employees assume the risk of inadvertent disclosure of personal or confidential material placed on Town-owned computers.

Town officials and employees who elect to use personal computers, communication devices, or email accounts to conduct Town business, must ensure that all public records on such computers, devices, and accounts are retained according to law, and that access to such records is provided pursuant to a request for inspection or copying. Additionally, Town officials and employees who elect to use personal computers, communication devices or email accounts to conduct Town Business are advised to copy (cc) their respective Town accounts in connection with all transactions of official business.

10. DEFINITIONS

For the purpose of this directive, the following terms are defined:

- a. Confidential or Sensitive Records – Records which are presently provided by law to be confidential or which are prohibited from being inspected by the public by either general or special law.
- b. Extensive Use of Resources – When the nature or volume of the public records requested to be inspected, examined, or copied requires the use of Town of Oakland information technology resources and/or labor time required of clerical or supervisory employees exceeds 15 minutes, the particular use of such resources is considered extensive.
- c. Provider – The individual within Town of Oakland, usually the public records custodian or designee, who makes public records available to a requester for inspection, examination, or copying.
- d. Public Record – All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form, characteristics, or

means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

- e. Requester – A person, firm, association, joint venture, partnership, estate, corporation, or any other group or combination who has made a public records request to inspect, examine, copy, or receive copies of documents in the custody or control of the Town of Oakland pursuant to chapter 119, Florida Statutes.