

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE SUPERINTENDENT**

**DR. FRANK TILL
SUPERINTENDENT OF SCHOOLS**

May 25, 2006

SIGNED COPY ON FILE

TO: All District Employees

FROM: Frank Till
Superintendent of Schools

SUBJECT: **PUBLIC RECORDS REQUESTS**

As an employee of Broward County Public Schools, your personnel file and general information is considered public record. The Florida Public Records Law (Statute 119.071) requires public agencies to make available for inspection most written communications and records, including information about employees, except for Social Security numbers and other specific information.

Certain employees in the District are exempt from having their information disclosed, based on previous or current job responsibilities or family relationships. Please take a moment to review the Personnel Information Exemptions form and the criteria required to be exempt.

Should you meet any of the criteria on the form, you are eligible to be exempt. **If none of the categories apply to you, there is no action you need to take.**

If you are eligible to be exempt, please print out and complete the attached forms:

Personnel Information Exemption Form
Name and Address Change Form

For all information to be official, you must provide your signature and date at the bottom of both forms. Please keep a copy of both forms for your records.

In an attempt to complete this District-wide project in a timely manner, send the forms to the HRIS department by **June 1, 2006**.

If you have any questions about the statute or this exemption process, see the attached list of Frequently Asked Questions.

FT/JFN/KMB:ds
Attachments

c: School Board Members
Senior Management

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
PERSONNEL INFORMATION EXEMPTIONS**

Personnel Records Use Only

Personnel # _____

Purpose: To identify those Broward County Public School employees whose selected personnel information and records are exempt from public disclosure. This enables the District to comply with Florida's Public Records Law (F.S. 119.071).

- Instructions:**
1. Check all boxes that apply to you; complete and **sign** the bottom portion of this form.
 2. Complete and sign a "Name and Address Change Form": (This form **must** accompany the request).
 3. Submit **both** forms together to the HRIS Department for processing.

1. I am an active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement.
 I am the spouse or child of any of the above.
2. I am a firefighter certified in compliance with S 633.35.
 I am the spouse or child of the above.
3. I am a justice of the Supreme Court, district court of appeal judge, circuit court judge, or county court judge.
 I am the spouse or child of any of the above.
4. I am a current or former state attorney, assistant state attorney, statewide prosecutor, or assistant statewide prosecutor.
 I am the spouse or child of any of the above.
5. I am a current or former human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties.
 I am the spouse or child of any of the above.
6. I am a current or former United States attorney or assistant United States attorney.
 I am the spouse or child of any of the above.
7. I am a current or former judge of the United States Courts of Appeal, United States district judge, or United States magistrate judge.
 I am the spouse or child of any of the above.
8. I am a current or former code enforcement officer.
 I am the spouse or child of any of the above
9. I am a current or former guardian ad litem as defined in S.39.820 (Written statement required).
 I am the spouse or child of the above (Written statement from guardian ad litem required).

Under penalty prescribed by law, I hereby certify by my signature below, that all information checked above is true and correct as it applies to me.

Name: _____ Personnel Number: _____
(Print Clearly or Type)

Signature: _____ Date: _____

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
NAME & ADDRESS CHANGE FORM**

For Personnel Records Use Only Personnel # _____

NAME CHANGE: A copy of your <u>signed</u> Social Security card with your new name <u>must</u> be attached in order for a name change to be processed.	
EMPLOYEE NAME (Print your name <i>exactly</i> as it appears on your social security card):	PERSONNEL #:

HOME ADDRESS: This information may be released to the public under Florida Statute 119.071.			
HOME ADDRESS:	CITY	STATE	ZIP CODE
HOME PHONE # (Include Area Code):	OTHER PHONE # (Include Area Code):		
EMERGENCY CONTACT INFORMATION: This information may be released to the public under Florida Statute 119.071.			
CONTACT NAME:		RELATIONSHIP:	
ADDRESS:	CITY	STATE	ZIP CODE
PHONE # (Include Area Code):	OTHER PHONE # (Include Area Code):		

Florida Public Records law (Florida Statute 119.071) requires government agencies to make available upon request for public inspection most written communications and records, including personnel information about employees except for Social Security number and other specific information. However, some employees are exempt from having selected personnel information disclosed due to their job responsibilities or family relationships. To be exempt from this disclosure, eligible employees must request this exemption and declare their status by completing and submitting a Personnel Information Exemptions Form to HRIS, along with this Name & Address Change Form. *Only those employees falling into one of the identified categories on the Personnel Information Exemptions Form are eligible to have selected personnel information exempt from public release*—if none of the categories apply to you, you are not eligible to request this exemption.

CONFIDENTIAL ADDRESS: This information cannot be released to the public under Florida Statute 119.071. A Personnel Information Exemptions Form <u>must</u> be completed and attached in order to document eligibility for a Confidential Address. After the personnel exemption is identified, the Home Address information previously on file will be changed to the employee's work location unless an alternate address is listed above.			
CONFIDENTIAL ADDRESS:	CITY	STATE	ZIP CODE
CONFIDENTIAL PHONE # (Include Area Code):	OTHER CONFIDENTIAL PHONE # (Include Area Code):		

EMPLOYEE SIGNATURE:	DATE:
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Submit completed, signed form (with attachments as required) to the HRIS Department.

FREQUENTLY ASKED QUESTIONS ABOUT PUBLIC RECORDS

1. What is the Florida Public Records Law?

Chapter 119, Florida Statutes is commonly known as Florida's "Public Records Law." The law provides information on public records in Florida, including policies, definitions, exemptions, general information on records access, inspection, examination and duplication of records.

2. What is a public record?

"Public records" are defined as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, 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."~ Essentially, recorded information, in any format, that is created or maintained by the agency in connection with carrying out agency activities is a public record.

3. What information is included in my public record?

Different public agencies create and maintain a wide variety of different public records, containing vastly diverse types of information. The District's public records include all information present in the employee's personnel file. Exceptions include information such as social security numbers, medical records and payroll deductions, unless requested by a court order or released via employee authorization.

4. Who is exempt from public records?

Certain types of personal information in records relating to individuals employed in specified job categories, or related to victims of certain crimes, are exempt from public disclosure.~ Many of these exemptions are implemented with the purpose of providing personal safety.

The complete list of exemptions is available in state statute 119.071.

For instance, the home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, code enforcement officers, firefighters, state attorneys, U.S. attorneys, judges, personnel directors, and a number of other categories, as well as information about their spouses, children, and children's schools, are exempt from public disclosure.

Not all records relating to such individuals are exempt from disclosure – only those types of information specified in the statutes. For instance, a law enforcement officer's salary, or performance evaluation, is ***not exempt*** from disclosure – though if his/her home address were to appear on those records, that information would be removed before the record could be disclosed.

5. What information is kept confidential in public records?

The type of information that is kept confidential depends entirely on the type of record. In general, the Statutes exempt records or information from public disclosure when necessary to protect public health, public safety, or personal privacy.

6. How do I declare my exempt status?

You must notify the District by filling out and returning to the HRIS Department the attached Personnel Information Exemptions form and Name & Address Change Form. To be eligible for exemption status, you must meet any of the criteria listed on the Personnel Information Exemptions form. Both forms must be signed and dated before they are sent (together) to the HRIS Department, or they will not be processed.

Per state statute 119.071(4)(d)7, other agencies (businesses, stores, etc.) that might hold your personal information must also maintain your exempt status, provided you “submit a written request for maintenance of the exemption to the custodial agency.”

7. Who can access my public record?

Sections 119.01(1) and 119.07(1)(a) of the Florida statute state that public records are open for inspection and copying by “any person.”~ Agencies cannot require that the person be a Florida citizen or a U.S.

citizen or provide identification or a reason for wanting to see the records.

8. What is the purpose of a public records request?

People could have any number of reasons for making a public records request – scholarly research, market research, commercial ventures, journalism, filmmaking, etc. All requests are treated equally, regardless of motivation.

9. What do requestors do with public records?

Requestors may use public records for various purposes, some of which are listed above.

10. Why are my records made available?

The policy of the State of Florida, as expressed in both the Statutes (Chapter 119) and the State Constitution (Article 1, Section 24), is that public records are open to inspection and copying unless specifically made confidential or exempt from disclosure by the Constitution or Statutes. Open records serve to ensure government accountability.

11. Do I ever have to renew or update my exemption status?

Once your current employer or agency is notified that you are exempt, you will remain in that status as long as you are employed with that agency. Please note that certain exemption categories, such as “firefighter”, require active employment in the specific position to maintain exemption status. If a different agency (ex. a new public company) acquires custody of information, as discussed in questions four and six above, the individual should contact that agency regarding specific procedures for requesting that the exemption be maintained by that agency. Once in place, the exemptions should be maintained for as long as the agency retains custody of the record.

12. Who do I contact with additional questions?

For answers to general questions about the Florida Public Records Law:

Questions about the Florida Public Records Law and records management requirements may be directed to the Florida Department of State, State Library and Archives of Florida, Records Management Program at 850-245-6750. Questions may also be e-mailed to recmgt@dos.state.fl.us.

Below is a listing of additional sources, provided by the State of Florida regarding public records.

<http://dlis.dos.state.fl.us/RecordsManagers> - information on how agencies are required to manage their public records.

<http://dlis.dos.state.fl.us/recordsmgmt/statutes.cfm> - lists relevant statutes and rules about public records.

http://dlis.dos.state.fl.us/recordsmgmt/rm_faq.cfm - lists additional FAQ's.

The Attorney General's Web site provides an abridged version of the Government-in-the-Sunshine Manual, with a link to view additional FAQ's (<http://myfloridalegal.com/sun.nsf/manual>). The Web site also has a long list of exemptions, citing statutes that exempt records from public disclosure.

For answers to specific questions regarding the School Board's procedures, etc:

Send your questions via email to the District web site, exemptinfo@browardschools.com. or for:

Forms or Processing Questions - HRIS Department – (754) 321-0129

District Job Classifications / Automatically Exemption Questions – Classification and Compensation – (754) 321-2443

What Specific Information is Exempt from Public Release – Personnel Records – (754) 321-0127