I. PURPOSE & INTENT

The purpose of this Policy is to establish a procedure for maintaining and responding to requests for public records in the custody of the University of South Florida System (USF System) while maintaining the confidentiality of USF System records which are exempt from the requirements of the Public Records Law and/or are protected from public disclosure by provisions of state or federal law.

II. STATEMENT OF POLICY

It is the Policy of the University of South Florida System that all public records in USF System custody shall be open for inspection by any person, at reasonable times and under reasonable conditions, and that USF System and its respective custodians of public records, as designated herein, shall furnish copies of public records upon payment of a charge, where authorized by this Policy, for the cost of duplication and labor.

III. DEFINITION OF TERMS

A. Public Record—Any document, paper, letter, map, book, tape, photo, film, sound recording, data processing software or other material, regardless of physical form, characteristic, or means of transmission, which may include electronic mail, made or received pursuant to law or ordinance or in connection with the transaction of official USF System business.

This may include business related records created, stored or transmitted through personal computers, laptops, tablets, personal e-mail accounts, smartphones and other mobile devices regardless of who owns the device or account.

B. Confidential Records and Non-Public Records – USF System records which are exempt from the inspection and duplication requirements of the Public Records Law, and/or which
are protected against public disclosure by federal or state law. Confidential and non-public records generally include, but are not limited to:

1. **Student Records** – [Section 1002.225, F.S.](#)
2. **Medical/Psychological Records** – [Sections 456.057, 90.503, F.S.](#) (located at FMHI, College of Medicine, College of Nursing, Human Resources, Student Health Services, Counseling Center, etc.)
3. **Certain Police Records** – [Chapter 119, F.S.](#)
4. **Evaluative Personnel Records** – [Section 1012.91, F.S.](#)
   a. Reflecting academic evaluations of employee performance.
   b. Reflecting nonacademic performance evaluations only if created on or before July 1, 1995.
5. **Social Security Numbers in State Employment Records** – [Chapter 119, F.S.](#)
6. **Certain Information Concerning University Police, Mental Health Workers and their Families** – [Chapter 119, F.S.](#)
7. **Certain Collective Bargaining Records** – [Section 447.605, F.S.](#)
8. **Certain Division of Sponsored Programs Records** – [Section 1004.22, F.S.](#)
9. **Certain Direct Support Organization Records** – [Section 1004.28, F.S.](#)
10. **Software Proprietary to the University** – [Section 119.084(2), F.S.](#)
11. **Third Party Software Acquired Under License** – [Section 812.081, F.S.](#)
12. **Certain Information Technology security data, procedures and audits** – [Section 282.318(4) F.S.](#)

C. **Custodian of Public Records** – all individual USF System employees that possess Public Records in the scope of their employment with the USF System as designated through its authority in [Section 119.011(5), F.S.](#)

IV. **MAINTAINING PUBLIC RECORDS**

It is the responsibility of each Custodian of Records to maintain Public Records in their possession in accordance with the Florida Department of State Division of Library and Information Services’ General Records Schedule No. GS1-SL regarding State and Local Government Agencies and No. GS5 governing Public Universities and Colleges.

V. **PROCESS STEPS**

A. When a person receives a request to inspect or copy a USF System record, a determination must be made as to whether the requested record is public or confidential. Questions regarding public records law and exemptions should be referred to the Office of the General Counsel at 813-974-2131.
B. If the requested record is a public record, the records custodian must, within a reasonable time:

1. Make the record available for inspection under reasonable conditions (which may include supervision of inspection), and/or

2. Furnish copies of the record to the records requestor without charge, where duplication and labor costs do not exceed $5, or

3. Where duplication and labor costs** are estimated to exceed $5, charge the requestor a reasonable fee based on the actual cost of duplication and labor in accordance with the following procedure using the USF Public Records Invoice.
   
   a. Complete items 1-4 of the USF Public Records Invoice and provide a copy to the requestor.
   
   b. Duplicate the requested records, then indicate actual costs of duplication and labor and secure the accountable officer's signature on the USF Public Records Invoice.
   
   c. Furnish the requested record copies to the requestor when he/she presents evidence of payment in full.

VI. COMPLAINTS OR QUESTIONS REGARDING PUBLIC RECORDS REQUESTS

A. General Questions or Concerns: The Requestor or any person may contact the Custodian of Records or the Office of the General Counsel at usflegal@usf.edu or 813-974-2131 with general questions regarding public record request processing and applicable exemptions.

B. Formal Filing of Complaints: In the event the Requestor intends to file a civil complaint regarding a public record request, the Requestor (now Complainant) must notify the Office of the General Counsel as the Designated Custodian of Public Records.

VII. RELATED INFORMATION

- Office of the Attorney General – The “Sunshine” Law:
  
  http://myfloridalegal.com/pages.nsf/Main/DC0B20B7DC22B7418525791B006A54E4

Current Responsible Office*: USF System Services

*Refer to the appropriate Responsible Office website for a current name of the Vice President or other Responsible Officer.