



SUBJECT: PUBLIC RECORDS REQUESTS	Effective Date: 2-15-21	Policy Number: 9.4	
	Supersedes: New	Page 1	Of 3
	Responsible Authority: Vice President, Public Affairs Assistant Vice President for Media Relations and Public Affairs		

APPLICABILITY/ACCOUNTABILITY:

This policy applies to all Florida Atlantic University (“FAU” or “University”) campuses, institutes, divisions, colleges, departments, and employees.

DEFINITIONS:

Custodian of Public Records: Pursuant to [University Regulation 1.005](#), the University President is the records custodian over all University records. The President may designate co-records custodians at his or her discretion.

Public Records: 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 the University which are used to perpetuate, communicate or formalize knowledge.

POLICY STATEMENT:

The purpose of this policy is to establish guidelines for maintaining and responding to requests for public records, while also protecting those records that are exempt from Florida’s public records laws and/or protected from public disclosure by state or federal law. Public records in FAU’s custody shall be open for inspection by any person, at a reasonable time and under reasonable conditions, and FAU and its respective custodians of public records, shall furnish copies of public records upon payment of a charge, where authorized by law, for the cost of duplication and/or labor.

Common confidential records and/or public record exemptions include but are not limited to student educational records, medical/psychological records and other personally identifiable medical information, limited access records, including but not limited to academic evaluations, faculty performance evaluations, performance scores, and promotion or tenure, social security numbers, certain personnel, benefit and payroll records, certain safety and security and information technology procedures, audits and plans, records of the University's direct-support organizations, trade secrets, bank account, credit/debit card information and/or other financial information, and deferred compensation and retirement account activities. Documents that are confidential and exempt from public records law will not be produced.

Ownership of the device, machine, or account in which a record is created is irrelevant to whether the record is a public record. For example, if an employee communicates regarding official business through a personal email account, those messages will be public records, assuming the messages otherwise meet the definition of public records. Certain documents, even when created in the course of conducting official business, do not perpetuate or formalize knowledge and, therefore, are not public records. For example, transitory messages, which generally include such things as voicemail or phone messages, self-sticking notes, and email messages with short-lived or no administrative value. Notes or drafts created by an employee for their personal use are not public records, even when created for work purposes, as long as these personal notes or drafts are neither shared with anyone nor intended as final evidence of the matter to be recorded.

PROCEDURES:

FAU's Division of Public Affairs is the designated office responsible for managing and overseeing requests made pursuant to Florida's public records laws (Chapter 119, Florida Statutes). A public records request may be submitted by email, online, fax, telephone or in person. A written request is not required; however, it is encouraged to prevent any misunderstanding about the nature or scope of the request. The contact information for FAU's public records specialist is: Florida Atlantic University, Public Records, Division of Public Affairs, 777 Glades Road, AD 101, Boca Raton, FL 33431, Phone: 561-297-2452, Fax: 561-297-2307, Email: publicrecords@fau.edu; <http://www.fau.edu/publicaffairs/media-relations/public-records.php>.

If a University employee receives a public records request, they must promptly forward the request to FAU's Public Records Specialist (publicrecords@fau.edu) for processing. The Public Records Specialist will send the requestor an acknowledgment email, assign a public record tracking number and begin facilitating the process of retrieving the responsive records.

The University shall respond to a public records request within a reasonable period of time after receiving the request. What constitutes a reasonable period of time depends upon the circumstances surrounding the request, including the nature of the request, the size of the request, the likely quantity of records to be produced, whether extensive use of information technology resources or clerical services is required, whether the requestor or the department or custodian has multiple requests pending, staffing levels, and the timing of the request. The department chair or administrative supervisor of the department or unit in which the records are maintained is responsible for appointing one or more persons to gather the requested documents.

FAU follows [Florida Governor's Cost Recovery Policy](#). Should the completion of a request involve duplication costs or necessitate an extensive use of information technology resources, extensive clerical or supervisory assistance, or both, the itemized estimate will also include any such special service charge(s). FAU will assess an "extensive use" charge for any request that requires more than one hour of information technology resources, clerical or supervisory assistance, or both. For any request expected to exceed more than one (1) hour of time, FAU will provide an itemized estimate of charges to the requestor prior to responding to the request. Upon receipt of payment of such fee(s) prescribed by law and reflected on an itemized invoice, FAU will begin processing the request.

FAU may provide a copy of the record in the medium requested if FAU maintains the record in that medium, and may charge an authorized fee. FAU is not required to reformat its records and provide them in a particular form as demanded by the requestor.

A requestor who feels that FAU has unlawfully refused to permit a public record to be inspected or copied must provide at least five business day's written notice to FAU's Custodian of Public Records, at the address above, prior to initiating any action against FAU regarding the requester's disputed request.

RELATED INFORMATION: [University Policy 5.3 Records Management](#)

INITIATING AUTHORITY: Vice President, Public Affairs

POLICY APPROVAL
(For use by the Office of the President)

Policy Number: 9.4

Initiating Authority

Signature: _____ Date: _____
Name: Peter Hull

*Policies and Procedures
Review Committee Chair*

Signature: _____ Date: _____
Name: Elizabeth Rubin

President

Signature: _____ Date: _____
Name: Dr. John Kelly

Executed signature pages are available in the Office of Compliance