



CITY OF PALMETTO

PUBLIC RECORDS
COMPLIANCE AND MANAGEMENT

PROCEDURES MANUAL

2015

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Introduction

Florida Law defines “public records” and establishes a Bureau of Archives and Records Management within the Department of State Division of Library and Information Services. Florida Statutes and the Florida Administrative Code provide for establishment of a proper records management program by governmental agencies to manage the abundance of records created, provide that a Records Management Liaison Officer be designated, and set out specific guidelines which must be followed relative to records retention, inspection and disposition, including paper and electronic records from creation to destruction.

The City of Palmetto has designated the Assistant City Clerk as the Records Management Liaison Officer for the City. The Police Department has designated the Records Clerk II as their Records Management Liaison Officer. This manual has been prepared by the City Clerks’ Office to serve as a guide to all City Departments regarding state laws and codes relative to records management and to set out administrative procedures for the proper handling of all City records received, created, or compiled by City employees, this includes e-mail. The Assistant City Clerk has formed a Records Management Committee and is the primary person responsible for records disposition coordination.

The City Clerks’ Office is scanning documents for retrieval and security purposes. This manual is subject to change as we go through the process and as we expand the scanning system.

Each department, Public Works, Community Redevelopment Agency (CRA), Police Department, and City Hall, assigns one representative to the Records Management Committee and that person is responsible for following Florida Law relative to that department’s records disposition. The Assistant City Clerk will work closely with each Records Coordinator to assist them and to assure that proper destruction scheduling is accomplished.

This manual will be updated as laws and methods change, but most important is that we will all have the same information and that there are established procedures.

By: Cassi Bailey, Assistant City Clerk

What is Public Records Compliance and Management and Why is it Necessary?

Public records management is not only a good business practice, but it is a legal obligation of the City. Public officials are legally responsible for creating and maintaining records that document the transactions of government as it conducts business. These records provide evidence of the operations of government and accountability to its citizens. Public officials must maintain this information according to established retention requirements regardless of the format in which they are kept; such as paper, electronic records, or microfilm. Failure to maintain the records or to provide them for inspection when requested could result in legal sanctions to the City and/or the records custodian, such as awards of attorney fees or removal from office. As a result, it is imperative that City employees closely work with the Assistant City Clerk for City records, Records Clerk II for the Police Department, and the City Attorney with regard to retention, inspection, and destruction of public records.

Effective records management will allow an agency to maintain records from time of creation to disposition.

Records management is a function of administrative management concerned with the creation, processing, maintenance, protection, retrieval, retention, preservation, and disposition of records and recorded information. Records disposition management is paperwork management aimed at the systematic, timely, and effective disposal or removal of obsolete or inactive records from office space and the effective, but economical preservation of records.

Benefits of a Good Records Management Program

- ✓ Meet statutory requirements and compliance standards
- ✓ Define retention values and allow for a systematic disposition process
- ✓ Improve storage and retrieval systems
- ✓ Reduce the volume of records stored and need for storage space
- ✓ Lower risk and exposure to litigation
- ✓ Provide information and improve service to the citizens of Palmetto, elected officials and staff
- ✓ Instant retrieval of information and increased office efficiency
- ✓ Identification and protection of vital records
- ✓ Security for permanent long-term records

City Clerk Records Management Plan

- Establish and update proper records disposition procedures and distribute to all departments.
- Utilize the prepared State of Florida Records Retention Schedules for the proper disposition of its records
- Annually submit a proper compliance form to the Department of State, Bureau of Archives and Records Management.
- Coordinate with and educate City personnel on the importance of public records law and an efficient records management program through each Records Coordinator.
- Establish a Vital Records Program-in the event of a disaster, the City will be able to operate with minimal difficulty.
- All Records Disposition Forms for the City will flow through the City Clerk's Office, the Police Department is responsible for their Records Disposition Forms.
- Meet as needed with members of the Records Management Committee for updates on state law, review procedures, and discuss new ideas.
- Continue the expansion of Laserfiche for better security and accessibility.

Terms and Definitions

Active Record – Documents and materials frequently used to conduct governmental activities.

Administrative Value – The usefulness of records for the conduct of current and/or future administrative business.

Archives – 1. Records which are no longer required for current use but have been selected for permanent preservation because of their historical value; 2. The agency responsible for selecting, preserving, and making available records of permanent value; 3. The place (room, building, or storage area) where archival records are kept.

Bureau of Archives and Records Management – Division of Library and Information Services within the Department of State – State Department authorized with overseeing records laws and codes.

Confidential Record – Record deemed confidential and not subject to public disclosure and may be released only to persons or entities specifically designated in a particular statute.

Cubic Foot – The volume of records, which will fill a space one foot high by one foot wide by one foot long. This is the basic measurement used for records and archives.

Electronic Records – Refers to various technologies used for the storage of digitized information.

Environmental Controls – The creation and maintenance of a storage environment for records to ensure preservation. Controls include temperature, relative humidity, air quality, lighting, elimination of pests, housekeeping, security, and protection of records from fire and water.

Exemption – A record, or portion thereof, exempt from mandatory disclosure requirements which may or may not be released at a later time.

Files – A collective term usually applied to all records of an organization.

File Management – The application of records management techniques in filing practices.

Filing System – The overall system whereby records are stored, including procedures, physical arrangement, classification system, and equipment.

Forms – A document with space(s) for the insertion of information.

General Schedule – A record retention schedule covering records common to several or all departments of an organization or units of governmental agency.

Hard Copy – The original paper document or paper computer printout.

Historical Records – Records that contain significant information about the past or present and are therefore worthy of permanent preservation and systematic management for research.

Historical Value – Information about the present or past that makes the records worthy of permanent preservation for research.

Inactive Records – Records that are completed or terminated and are suitable for boxed storage or scanning.

Litigation Work – Records that contain the opinion or work product of an attorney representing the City in a litigation manner.

Obsolete, Superseded, or Administrative Value Lost (OSA) – Records that are duplicates or transitory and need not be documented for final disposition.

Permanent Records – Records considered being valuable or unique in documenting the history of an organization, person, or place.

Preservation – Actions taken to slow or prevent the deterioration or damage of archival records. Basic actions can be taken to provide adequate facilities for the protection, care, and maintenance of archives and records.

Public Record – All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by an agency, per F.S. 119.011(1).

Redact – To conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt information.

Record Copy – The official copy of a record usually created and maintained by the office primarily responsible for the information it contains.

Records Disposition – Planning and analysis to determine when a department's records are no longer needed for the day-to-day conduct of business; such determination to include planning for destruction, scanning before destruction and/or transfer to an off-site storage facility.

Records Inventory – A detailed listing of the volume, scope, and complexity of an organization's records in order to evaluate, appraise, and organize the collection.

Records Coordinator – The individual assigned the responsibility within a department for the full coordination of records management and scanning operations for the department. The Records Coordinator works close with the Assistant City Clerk.

Records Retention Schedule – State guidelines that list record series and state what to do with the records, how long to retain them, any special maintenance instructions, and procedures for disposal. The retention schedule informs you of the length of time that records have operational, legal, fiscal, or historical value. The City of Palmetto uses the General Records Schedule GS1-SL, General Records Schedule, GS2-Law Enforcement, and GS14-Utilities, as provided by the State of Florida, Department of State, Division of Library and Information Services, Bureau of Archives and Records Management.

Record Series – A group or unit of related documents or information that is normally filed or kept together because they relate to a particular subject, result from the same activity, or document a particular transaction.

Retention Period – The period of time records must be kept according to legal and/or organizational requirements.

Retrieval – The recovering of information by the recalling of records from storage in a records center or archives.

RMLO – The person(s) with the responsibility to maintain the organizations records program in accordance with Florida Law. The RMLO is assigned the responsibility for systematically controlling the recorded information generated and received by the City.

Transitory Records – A record that relays information about time or a schedule such as one might receive in a phone message i.e. meeting at 1 pm - once the event has passed, the record is OSA.

Vital Records – Records which are essential for the ongoing business of an agency, without which the agency could not function effectively. Vital records need to be identified and stored under special environmental controls.

State Law References

- Chapter 119 Florida Statutes (Public Records)
- Section 257.36 Florida Statutes (Records Management)
- Chapter 1B-24.001 Florida Administrative Code
- Chapter 1B-24.003 Florida Administrative Code
- Chapter 1B-26.003 Florida Administrative Code
- Department of State Electronic Opinion
- State of Florida Record Schedules – GS1-SL, GS2, GS14

Records Management Liaison Officer (RMLO)

Florida Statutes 257.36(5) requires that governmental agencies appoint a Records Management Liaison Officer to establish and maintain an active and continuing records management program. As the RMLO, the Assistant City Clerk and the Records Clerk II are responsible for the development of the City's and Police Department's records management program and ensuring that records no longer needed are disposed of appropriately. Though ultimately responsible for the Records Program, the RMLO can assign coordination of these and other interagency records management practices to his/her designee.

RMLO Responsibilities:

- ❖ Serves as the primary point of contact between the agency and the Bureau of Archives and Records Management
- ❖ Coordinates and accommodates public records requests
- ❖ Conducts records inventory
- ❖ Coordinates interagency records management training
- ❖ Develops business procedures

General Record Duties and Responsibilities:

- ❖ Plans, schedules and coordinates the receipt, retention, storage, disposal and/or placing of information in Laserfiche in accordance with City policies, ordinances, and State Statutes
- ❖ Monitors retention schedules and destruction requests to ensure compliance with established guidelines
- ❖ Establishes and maintains document descriptions such as lists, indexes, and other retrieval aids for inactive files, destroyed records and historical documents. Directs filing and cross indexing of documents. Ensures security of all records maintained in the City Clerk's office and Police Department.
- ❖ Prepares necessary forms to submit to the Bureau of Archives and Records Management
- ❖ Maintains a continuing retention and disposal system in accordance with the Bureau of Archives
- ❖ Performs a variety of essential record keeping duties, and oversees department record keeping and filing system

Records Management Committee

Each department, Public Works, CRA, Police Department, and City Hall, shall assign one (1) staff member as the department's "Records Coordinator". The staff person assigned as the Records Coordinator shall be a member of the Records Management Committee. Members of this committee will meet on an as-needed basis to review records laws and management practices, as well as formulate new procedures. Both RMLO's will be on the committee.

Records Coordinators Responsibilities

The Records Coordinator will be responsible for educating other personnel within their department on the importance of records management. Each coordinator will be in charge of assuring that all of their department's public records are maintained and preserved according to Florida Statutes. They shall coordinate with the City Clerk's Office and Police Department to properly administer their department's records utilizing the appropriate Records Management Schedule. When records are boxed and ready for storage or destruction, labels shall be applied identifying the Records Management Schedule number, date of records in box, how long to be retained, and destruction date. The RMLO shall determine that the records in the box do meet the requirements of the General Retention Schedule for destruction.

Records Coordinator Representatives

Below is a listing of the Records Liaison Representative for each department within the City of Palmetto:

- Public Works: Grace Johnson and Kera Hill
- City Hall: Cassi Bailey
- Police Department: Evelyn Murray and Jackie Mejia
- CRA: Jen Silverio

Guidelines for Public Record Fees

The City of Palmetto follows Chapter 119, Florida Statutes, in charging fees for copying the City's public records based on current statute limitations. According to Section 119.07 F.S., if the nature of volume of public records requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the department, in addition to the actual cost of duplication, a special service charge may be imposed.

The amount to be charged shall reflect the actual hourly rate of the individual providing the service. In keeping with the City of Palmetto's commitment to provide open access to public records, there will be no special service charge for requests requiring one-half (1/2) hour or less in actual labor. However, when a person requests public records which require more than one-half (1/2) hour in actual service to locate, review for confidential information, copy, and re-file requested public records, the person will be charged for all the time expended above one-half (1/2) hour. Based upon the length of time estimated to provide the service and the cost of copying, a reasonable deposit may be collected prior to the cost actually being incurred. Monies collected exceeding the actual cost of assistance and copying shall be returned to the person requesting the public records. Whenever feasible and a request is not extensive, we will provide records which are stored in Laserfiche by electronic email at no cost or advise requestors where they can locate the record on-line.

Nothing herein shall prohibit the City of Palmetto from providing free copies of public records to the news media, government agencies, and public service groups for purposes of disseminating information to the public, such as copies of City newsletters, City Commission and other City Board agendas, and press releases.

A copy of the City of Palmetto fee schedule for the cost of duplication can be located at the back of this manual.

City Records Inspection and Management Procedures

- The City will provide public records in accordance with Florida Law in a timely manner to the best of our ability.
- The City may not require that a party requesting any document submit the request in writing or provide their name or address as a condition to inspect the documents. If a request is verbal and asked to remain anonymous, the request shall remain so.
- Access to public records is a statutory right, and, because of this, the custodian of record lacks authority to limit access by a claim of interference in the day to day conduct of public business.
- According to F.S. 119.07, every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee.
- Those individuals who provide copies to the public must be knowledgeable of the records that are exempt or confidential or that contain exempt or confidential information. If a question arises as to whether or not a record or portion thereof is exempt or confidential, that question should be addressed with the City Clerk.
- The City is not required to generate or create documents if a request asks for the documents that do not exist; however, the agency must produce responsive records that are available as of the date the documents are produced to the requesting party for inspection and copying, even if all or a part of such records did not exist as of the date the request was received.
- Although required to provide the document of inspection, neither the City nor any of its employees are required to answer questions regarding the documents.
- The City will utilize prepared State of Florida Records Schedules for the proper disposition of its records (i.e. GS1-SL, GS3, GS14).
- All Records Disposition Forms will come through the RMLO.
- No records shall be destroyed without the signature of the RMLO.
- No records shall be destroyed, other than duplicates and OSA records for recycling, by any department personnel.
- Records Destruction shall be handled and witnessed by the RMLO.
- The City will utilize Laserfiche software for its imaging program or other compatible system if Laserfiche is no longer available. All departments are required to use Laserfiche to store their records.

Should any person making a request for public records from any department of the City feel that he/she is being restricted or circumvented from right of public access; said person should make their request to the City Clerk for resolution.

If anyone from any department should have questions or need assistance on how to accurately perform the public records request they have been given, please contact the City Clerk's office.

Procedures for Records Requested at the Police Department

- All persons, telephone calls, and written correspondence requesting public records from the Police Department shall be referred to the Records Division, and all records will be reviewed, picked up, and paid for through the Police Department.

Procedures for Records Requested from City

- All public records requests whether written or verbal shall be coordinated through the City Clerk's Office. If there is a charge for the public records request, it shall be paid for through City Hall.

Public Record Procedures for E-Mail

A) How the Law Effects City Employees

If an e-mail falls within the definition of public records, it may not be deleted as defined in Chapter 119. Unless it falls within one of the specific exemptions described in the Public Records Statute, the City must produce the e-mail message to any person upon request. A person need not have a “legitimate” need for public records to be entitled to inspect them. Employees are not required; however, to compose or create records when they do not currently exist.

B) Exemptions to the Public Records Law

State and Federal Law exempts certain categories of documents from disclosure under the Public Records Law. The exemptions that apply most often to the City of Palmetto records include:

- Certain documents involving personnel or personnel matters, which are confidential under Florida Law;
- Attorney work-product and Risk Management files as provided under Florida Law.

Before an e-mail is released pursuant to a public records request, any exempt information must be deleted from the e-mail, and the requestor informed of the deletion, but not its content.

C) Responding to a Public Records Request for E-Mail

E-mail that does not fall within the definition of a public record should not be produced. E-mail that is a public record but contains exempt information should be produced with the exempt information redacted first. If in doubt as to whether an e-mail message is a public record, the department director should contact the appropriate RMLO, who will discuss with the City Attorney as necessary. E-mails do not have to be and should not be forwarded electronically to the requesting party. This is to ensure that the E-mail stays true to the original. E-mailed records can be altered when forwarded out to an individual. A hard copy of the document should be printed and provided. The same fee schedule listed in this guide is applied to e-mail requests. An estimate of charges should be given to the requestor and approval obtained prior to responding to the request. All charges must be collected before producing the documents; no invoices may be issued for this service.

D) Retention Periods for Public Records

There is no single retention period that applies to all e-mails. Retention periods for e-mail can be found in the State's General Records Schedule. Retention schedules are determined based on their legal, fiscal, administrative, and historical values. Each record series has separate retention schedules depending on the content, nature, and purpose. E-mail files should be a part of the same destruction requirements as all other documents. Retention of most e-mail records fall within the following two categories:

- a) Retain until obsolete, superseded, or administrative value is lost (OSA).
 - o E-mails created to communicate information of short term value and are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt are considered "transitory messages".
 - o Routine announcements and information including notices of seminars or workshops, appointments, holiday parties, queries regarding processes or ideas and general information regarding programs;
 - o Reference files that are general information files used in daily functions of the administrative area; and
 - o Meeting notices, minutes, statistical records, reading files and recipient's inter-department memoranda.
- b) Retain for three fiscal years.
 - o General correspondence, sender's inter-department memoranda, and most fiscal and budget records.

Retention schedules are base on a record's information content, not its format. E-mail that falls into the category of "retain until administrative purpose is served" may be deleted on a daily basis. E-mail that has a longer retention period (such as correspondence or sender's memoranda) must be kept through the three year retention period, or other corresponding requirement.

E) Maintaining E-mail Documents

Florida's public records law offers challenges to maintaining e-mail, mainly because e-mail documents are both informal and efficient. Most e-mail users prefer to reduce or eliminate the handling, filing and archiving tasks often associated with hard copy. Because of the differences in which e-mail and hard copy are used, many e-mail users do not have systems in place for periodically reviewing, sorting, or deleting e-mail.

Public record e-mail can be deleted after it has been retained for the correct time period as determined by the retention schedules. A public record that is stored and accessible after this time is still a public record and must be produced upon request. A systematic deletion program not only eliminates obsolete documents from files, but also saves resources by not indefinitely and unnecessarily storing information beyond appropriate time lines.

Destruction

Proper and timely destruction of records in accordance with established retention schedules protects the City's interest and alleviates the need for costly storage.

Records, which are ready for destruction and have been properly documented, can be properly destroyed as long as it has been documented on the Records Disposition Documents.

The RMLO will sign off on all records to be destroyed.

Scanning of Documents

The City of Palmetto utilizes Laserfiche software to scan and store records. Once records are scanned, the paper copy can be destroyed and the scanned image becomes the record copy. The State of Florida advises, "*Agencies are not required to document the disposition of records with a retention of 'retain until obsolete, superseded, or administrative value is lost (OSA)' EXCEPT for records that have been scanned in accordance with Rule 1B-26, F.A.C. where the electronic version will serve as the record copy.*" If you have a paper document that is considered OSA, you can destroy the paper document with no documentation. If you scan that document into Laserfiche, it no longer becomes an OSA document and will have to be documented when destroyed.

Efficient management of an electronic records management program is a four-faceted approach:

- Records Management Liaison Officer (RMLO) – Assistant City Clerk for the City and Records Clerk II for the Police Department.
- System Administrator – City Clerk's Office administers the city wide records program
- Technical Coordinators – IT Department offers specialized technical guidance
- Department Ownership – Each department assigns one (1) coordinator who will work with us to achieve our goal of eliminating paper records.

The City Clerk's Office will:

- ❖ Act as System Administrator for all City related records management issues;
- ❖ Conduct training in the use of the Laserfiche viewer software;
- ❖ Copy data to a CD when requested for review by the public;
- ❖ Work with Municipal Code Corporation and IT in installing upgrades, continuing annual software maintenance, and researching upgrades for improvement;
- ❖ Coordinate with all departments to determine their imaging needs.

Storage of Records

“Insofar as practicable, custodians of vital, permanent, or archival records shall keep them in fireproof and waterproof safes, vaults, or rooms filled with noncombustible materials and in such arrangement as to be easily accessible.” **Section 119.03(1) Florida Statutes**

Most departments retain their own active records and some are in the process of scanning.

As the scanning process continues, paper documents will be able to be destroyed, thus decreasing storage needs. Although permanent records such as minutes, ordinances, and resolutions have been scanned, paper originals will not be destroyed and they are housed in the vault of City Hall.

Records Disposition Compliance

In 2001, Florida Law was changed to provide that agencies need not seek approval for destruction for individual records, but must comply with Florida records law relative to disposition and destruction, and submit an annual compliance report to the State of Florida, Division of Archives and Records Management. The RMLO assumes this responsibility.

Vital Records

Vital records are an integral part of the Records Management Program for the City. Vital records are those records which are critical to the continuation of government under crisis or emergency conditions, and to the return to normal operations in a post-emergency situation.

Some examples of vital records are, but not limited to, the following:

- Accounts Payable/Receivable
- Contracts/Agreements
- Financial Records
- Payroll/Employee Records
- Minutes
- Ordinances
- Resolutions
- Cemetery Records
- Property Deeds
- Computer Backup Tapes

FORMS AND INSTRUCTIONS