



University Employees, Officers, and Agents

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
FIU RECORDS	May 3, 2010	150.110

POLICY STATEMENT (R*)

All FIU employees, officers and agents must:

- 1) comply with Florida’s Public Records Law,
- 2) comply with State retention schedules for University records, and
- 3) comply with laws and FIU procedures related to protecting the confidentiality of Confidential Records and Non-Public Records.

Unless specifically exempt from disclosure or confidential pursuant to law, all documents and other written communications, regardless of form, that are made or received pursuant to law or that are made, received or maintained in the transaction of official University business are Public Records. After appropriate legal review, the Public Records will be available for inspection by the requestor, at reasonable times and under reasonable conditions, and the University will furnish copies of such Public Records to a requestor upon payment of the appropriate charge for the cost of duplication and labor.

Employees may not destroy or delete University records in their possession and control except in accordance with the record retention schedules applicable to FIU. The record retention period is based on the nature of the information included in the record and vary from immediate destruction to permanent retention. Retention periods can be found in the retention schedules adopted by the State of Florida (see Related Information below for links to these schedules).

REASON FOR POLICY (O*)

To establish a procedure for compliance with the laws applicable to records maintained by the University. This includes procedures for maintaining the confidentiality of University records which are either exempt from public disclosure or are confidential pursuant to state or federal law.

RELATED INFORMATION (O*)

State of Florida General Records Schedule GS1-SL for State and Local Government Agencies
State of Florida General Records Schedule GS5 for Universities and Community Colleges
FIU Procedure No. 1930.020 - Data Stewardship

DEFINITIONS (R*)

Public Record – Any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software or other material, regardless of physical form or characteristic, or means of transmission, **including electronic mail**, made, received or maintained pursuant to law or ordinance or in connection with the transaction of official University business which is used to perpetuate, communicate or formalize knowledge.

Confidential Records and Non-Public Records – Records which are exempt from the inspection and duplication requirements of the Public Records Law (Non-Public Records) or are protected against public disclosure by federal or state law (Confidential Records). These records may only be disclosed under limited circumstances after receiving the approval of the Office of the General Counsel. Confidential and Non-Public Records generally include, but are not limited to:

1. **Student Records** – Section 1002.225, Florida Statutes
2. **Medical/Psychological Records** – Sections 456.057 and 90.503, Florida Statutes (records located at Student Health Services, Counseling Center, etc.)
3. **Certain Police Records** – Chapter 119, Florida Statutes
4. **Evaluative Personnel Records** – Section 1012.91, Florida Statutes
 - a. Reflecting academic evaluations of faculty’s performance

b. Reflecting non-academic performance evaluations of any FIU employee only if created on or before July 1, 1995

5. **Social Security Numbers** – Chapter 119, Florida Statutes
6. **Certain Information Concerning University Police, Mental Health Workers and their Families** – Chapter 119, Florida Statutes
7. **Certain Collective Bargaining Records** – Sections 110.201 and 447.605, Florida Statutes
8. **Certain Division of Sponsored Programs Records** – Section 1004.22, Florida Statutes
9. **Certain Direct Support Organization Records, including Donor information** – Section 1004.28, Florida Statutes
10. **Software Proprietary to the University** - Section 119.084(2), Florida Statutes
11. **Third Party Software Acquired Under License** - Section 812.081, Florida Statutes
12. **Bank account and debit and credit card information** – Section 119.07, Florida Statutes

PROCEDURES (O*)

- (1) When a University employee, officer or agent receives a public record request to inspect or copy a University record, that person must immediately forward the request to the Office of the General Counsel. There is no required format for a public record request; requests may be made orally or in writing; however, the requestor may be asked, but not required, to put the request in writing for the sake of clarity. A requestor does not have to state the reason for making the request. The Office of the General Counsel will provide guidance in determining what University records are Confidential Records or Non-Public Records, and will provide assistance in responding to the requestor.
- (2) Unless otherwise instructed by the Office of the General Counsel, the copies of the University records responsive to the request must be sent to the Office of the General Counsel for review prior to allowing the requestor to inspect the records or prior to sending the requestor copies of the University records. Copies of University records that are Confidential Records or Non-Public Records will not be provided to the requestor. Copies of the University records that are Public Records, but contain confidential or non-public information will be provided to the requestor only after redacting the confidential or non-public information, unless the confidential or non-public information in the record is so extensive that removal is not feasible or the record is an intrinsic confidential record. In either case the entire record will be withheld.
- (3) Within a reasonable time, the Public Records will:
 - (a) be made available for inspection by the requestor under reasonable conditions (which may include supervision of inspection), and/or
 - (b) be copied and furnished to the requestor upon payment of any applicable duplication and labor costs. If the records requested require extensive use of information technology resources, extensive clerical or supervisory assistance, or both, in addition to the actual cost of duplication, a special service charge will apply.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Office of the General Counsel
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Office of the General Counsel
Florida International University
11200 S.W. 8th Street, PC 511
Miami, Florida 33199
Telephone: (305) 348-2103

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at <http://policies.fiu.edu/>.

For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

FORMS/ONLINE PROCESSES (O*)

State of Florida General Records Schedule GS1-SL for State and Local Government Agencies

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FIU Procedure No. 1930.020 - Data Stewardship

Link to the above referenced Form(s) available in the "Document Details" Section of the online version of this policy document.

***R = Required *O = Optional**