



FIU Records # 150.110

INITIAL EFFECTIVE DATE: May 3, 2010	LAST REVISION DATE: February 9, 2024	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT Office of the General Counsel Florida International University
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POLICY STATEMENT

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 material, 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 and upon disposition approval from the Records Management Liaison Office. 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).

Employees are expected to participate in records management training as needed to satisfy any compliance requirement updates in accordance with the guidelines of the Florida Department of State’s Division of Library and Information Services.

SCOPE

This policy applies to all FIU employees, officers, and agents.



REASON FOR POLICY

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.

DEFINITIONS

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:

TERM	DEFINITIONS
Student Records	Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g(b) and 34 C.F.R. § 99.33; and Sections 1002.225 and 1006.52, Florida Statutes
Medical/Psychological Records	Sections 456.057 and 90.503, Florida Statutes (records located at Student Health Services, Counseling Center, etc.)
Certain Police Records	Chapter 119, Florida Statutes
Evaluative Personnel Records	Section 1012.91, Florida Statutes <ul style="list-style-type: none"> 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
Social Security Numbers	Sections 119.071(4)(a) & (5)(a), Florida Statutes
Certain Information Concerning University Police, Mental Health Workers and their Families	Chapter 119, Florida Statutes
Certain Collective Bargaining Records	Sections 110.201 and 447.605, Florida Statutes
Certain Division of Sponsored Programs Records	Section 1004.22, Florida Statutes



Certain Direct Support Organization Records, including Donor information	Section 1004.28, Florida Statutes
Software Proprietary to the University	Section 119.084(2), Florida Statutes
Third Party Software Acquired Under License	Section 812.081, Florida Statutes
Bank accounts, debit and credit card information	Section 119.07, Florida Statutes
Building Plans, blueprints, schematic drawings, and diagrams	Section 119.071(3)(c)1, Florida Statutes
Trade Secrets	Section 119.0715, Florida Statutes
Sealed Bids or Proposals	Section 119.071(1)(b), Florida Statute
Financial Statements from prospective bidders	Section 119.071(1)(c), Florida Statute
All exams/tests and materials	Section 1008.23, Florida Statute
Cybersecurity Information	Section 119.0725, Florida Statute
Background check information	Section 435.09, Florida Statute
Security System	Section 281.301, Florida Statute
Campus Emergency Response	Section 1004.0962, Florida Statutes

ROLES AND RESPONSIBILITIES

The appropriate records custodian of the University is required to provide access to any public record within a reasonable time of the request. There is no set time within which the University must respond. A reasonable period of time will be determined based on the facts and circumstances of each request.

Public records requests are generally handled by the department that maintains the record requested. For simple public records requests received by those who regularly handle such requests, the trained records custodian of the respective University department may directly respond to the request.

The Office of General Counsel is available to assist University departments with:

- Extensive or confusing requests that may need further clarification;
- Requests where records may be exempt or need to be redacted;
- Requests involving medical information; and
- Any other requests where the records custodian of the University may require



additional assistance.

RELATED RESOURCES

<https://dos.fl.gov/library-archives/records-management/general-records-schedules/>:

- GS1-SL for State and Local Government Agencies
- GS2-Criminal Justice Agencies and District Medical Examiners
- GS4-Public Hospitals, Health Care Facilities and Medical Providers
- GS5-Public Universities and Colleges

[FIU Procedure No. 1930.020 - Data Stewardship](#)

<https://recordsmanagement.fiu.edu/content/training-resources>

CONTACTS

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HISTORY

Initial Effective Date: May 3, 2010

Review Dates (*review performed, no updates*): n/a

Revision Dates (*updates made to document*): February 26, 2018; February 9, 2024.



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PROCEDURE STATEMENT

1. Any department or office may be the recipient of a public records request. 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.
2. When a University employee, officer or agent receives a public record request to inspect or copy a University record, and it is determined that a request seeks information that is in the possession or custody of the department or office receiving the request, then that department or office should accept the request and proceed to respond to it in accordance with the University policies and procedures. If the department or office receiving the request is not the custodian of the records requested, then the request should be forwarded to the appropriate department or office in possession or custody of the requested records. Should Office of the General Counsel (OGC) assistance be requested, please forward a complete copy of the public records request to OGC, and OGC will advise on next steps after its review.
3. Any department or office may seek assistance from OGC in determining how to respond to a request, identify exempt and/or confidential information, and calculate any appropriate charges for the request. Where records are requested from multiple departments or offices in one request, the request may be divided amongst those departments or offices, or the OGC may intervene to coordinate the response to the request.
4. 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 such latter case the entire record will be withheld.
5. 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.