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 (“USF,” or “University”) while maintaining the confidentiality of USF records that are considered 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

All Public Records in USF’s custody shall be open for inspection by any person, at reasonable times and under reasonable conditions, and USF shall furnish copies of Public Records upon payment of a reasonable charge, where authorized by this Policy, for the cost of duplication and/or extensive use of labor or USF resources.

III. DEFINITIONS OF TERMS

A. Confidential Records and Non-Public Records: USF records that are exempt from the inspection and duplication requirements of the Public Records Law, Florida Statutes (Fla. Stat.) Chapter 119, based on state or federal law. Confidential and non-public records generally include, but are not limited to:


   - Reflecting academic evaluations of employee performance.
   - Reflecting nonacademic performance evaluations only if created on or before July 1, 1995.

10. **Medical/Psychological Records** – Sections 456.057, 90.503, Fla. Stat. (located at FMHI, College of Medicine, College of Nursing, Human Resources, Student Health Services, Counseling Center, etc.)


12. **Software Proprietary to the University** – Section 119.084(2), Fla. Stat.

13. **Student Records** – Section 1002.225, Fla. Stat.; 20 U.S.C. s. 1232g


**B. Custodian(s) of Public Records**: Individual USF employee(s) who within the scope of their employment maintains Public Records. It is the responsibility of the Custodian of Public Records to maintain the Public Records in accordance with applicable Florida General Records Schedules. A non-exhaustive list of Custodians of specific types of Public Records is included in Section IV.C., below.

**C. Public Record**: Any document, paper, letter, map, book, tape, photo, film, sound recording, data processing software or other material, regardless of physical form, characteristics, or means of transmission (which may include electronic mail, SMS & MMS messaging, as well as, other digital messaging, communication, and distribution platforms), made or received pursuant to law or ordinance or in connection with the transaction of official USF business used to perpetuate, communicate, or formalize knowledge.

1. 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 account or device.

2. This may not include notes or drafts created by an employee for their own personal use, as long as the personal notes or drafts are not filed as a permanent record of events, intended to be the final evidence of the knowledge recorded, or circulated for review, comment, or information.

**D. Public Records Request (‘PRR’)**: A written or verbal communication requesting to inspect and/or receive copies of Public Records maintained by USF. A Requestor may, but is not
required to, utilize the Public Record Request Form made available online for the Requestor’s convenience at Public Records Request Form.

E. **Requestor:** The individual or entity submitting the PRR.

F. **University:** For the purposes of this policy, University refers to the administrative personnel or office identified by USF as the responding Custodian of Public Records.

IV. **PROCESS STEPS: SUBMITTING A PUBLIC RECORDS REQUEST**

A. **PRR Format:** PRRs may be made in writing (including via email) or verbally. Requestors are encouraged, but not required, to utilize USF’s Public Records Request Form to submit a PRR. To ensure both the Requestor and Custodian understand the terms and parameters of a request, the Custodian of Public Records may ask, but not require, that the Requestor put his or her PRR in writing for sake of clarity.

B. **Information Needed to Process a PRR:**

1. **Contact:** Requestors are not required to identify themselves. However, the Requestor should provide sufficient contact information to allow the University to coordinate payment and production of records, where applicable.

2. **Parameters of Request:** To ensure an effective search for responsive Public Records, the Requestor should attempt to be as specific as possible in identifying Public Records by including date parameters, the type of information sought, department name or unit, and/or name of employee, where applicable.

C. **Submitting a PRR:** A Requestor may submit a PRR to any Custodian of Public Records, department, or office of the University. There may be a designated Custodian for a specific Public Record or multiple Custodians for the same record. The University may forward the PRR to the Custodian best able to respond to the PRR to ensure a comprehensive and effective search. The following is a non-exhaustive list of Custodians of specific records:

1. **Business Services:** Requests for records relating to the University’s financial, budget, or treasury operations may be processed through Business & Finance.

2. **Contracts for Purchasing:** Requests for Purchasing Records may be processed through Purchasing.

3. **Emails:** Requests for Emails may be processed either through the Office of Information Technology or by the individual USF employee(s) having custody of the emails, depending on the nature, scope, and specifications of the PRR.

4. **Employment Records:** Requests for Employment Records may be processed through Human Resources (HR).
5. **Media Requests:** Media or news agency requests may be processed through Communications and Marketing.

6. **Police Records:** Requests for Police Records may be processed through University Police (UP) or their designated contact.

7. **Student Records:** Requests for Student Records may be processed through the Custodians identified in [USF Regulation 2.0021](#).

### V. PROCESS STEPS: RESPONDING TO A PUBLIC RECORDS REQUEST

A. **Prompt Acknowledgement:** Upon receiving a PRR, the University will promptly acknowledge the request. This acknowledgment and other communications from the University to the Requestor may be made using USF’s Public Record Request Status Form (see a sample [PRR Status Form](#)).

B. **Identification of Responsive Public Records:** The University will make reasonable efforts to identify responsive Public Records, based on the parameters of the PRR as specified by the Requestor.

C. **Exemptions:** At the time of the University’s acknowledgement of the PRR or when the University identifies that an exemption may apply, the University will advise the Requestor of any applicable exemption, along with statutory citation.

D. **Estimates and Cost Recovery:** The University may provide an estimate and/or invoice for reasonable costs and require reimbursement of those costs, as detailed in Section VI of this Policy.

E. **Production:** The University will produce the Public Records in the format requested by the Requestor or, if the University does not maintain the Public Records in the requested format, in a format the University determines to be feasible, given the type of records, extent of any required redactions, or other special circumstances.

### VI. REIMBURSEMENT OF REASONABLE COSTS

The Requestor may be required to reimburse the University for the reasonable costs of the copies, duplications, and labor associated with responding to a PRR, as detailed below.

A. **Duplication and Material Costs:** The Requestor may be required to reimburse the University for duplication and material costs, as follows:

- One-Sided Copy: $0.15 per page
- Double-Sided Copy: $0.20 per page
- All Other Duplication: actual cost of material and supplies
• CD-ROM: $0.85 each
• DVD: $1.15 each
• Certified Copy: $1.00 per page
• Packaging and Shipping Charges: estimated costs may be changed to reflect actual cost incurred

B. **Special Service Charge**: If the nature or scope of the PRR requires extensive use of information technology resources and/or extensive clerical or supervisory assistance by agency personnel, a special service charge may be imposed. This charge will be separate from, and in addition to, any duplication and material costs.

- For purposes of this policy, use of information technology resources and/or clerical or supervisory assistance will be considered extensive when it exceeds 15 minutes.
- The special service charge may be based on the aggregate amount of time expended by all personnel and use of information technology resources, whether in response to a single request or multiple requests received from the same Requestor within a one-month period of time.

C. **Estimate**: An estimate (1) will be provided at the request of the Requestor, if it is feasible to identify the costs of production; or (2) may be provided when the estimated costs of responding to a PRR are expected to exceed $20.00. Estimates may be based on the University’s prior experience in responding to similar PRRs or information obtained from IT and/or appropriate administrative personnel. The estimate may be reflected on a Public Records Invoice (“PRI”) (see a sample form PRI).

If an estimate cannot be provided due to the nature or scope of the PRR, the University may advise the Requestor that an estimate cannot be prepared, at which time the Requestor may either authorize the PRR without an estimate, revise the request to make an estimate feasible, or cancel the PRR.

D. **Revisions of PRR**: The Requestor may revise the parameters of a PRR to better identify the records sought, to decrease the costs of search or production, or for any other reason. If the original request has already been processed prior to the time of the revision, however, the Requestor may be responsible for the costs incurred to date (see Section VI.E.2). In such a case, the revision may be treated as a new PRR.

E. **Payment of Costs**: The Requestor is obligated to furnish payment of the costs associated with responding to a PRR as follows:
1. **No Payment Required:** If the actual duplication and material costs of responding to the PRR do not exceed $5.00 and no special service charge applies, the University may fulfill the PRR without charging any costs to the Requestor.

2. **Full Payment Required Upon Receipt of Public Records:** If the estimated costs do not exceed $20.00, and absent any request for an estimate, then the University may proceed with fulfilling the PRR without providing an estimate by producing the responsive Public Records along with a PRI indicating the actual costs required to be paid. The Requestor will be required to pay the full amount of actual costs as directed in the PRI. The University may refuse to respond to or process any other pending or future PRRs by the Requestor until this amount is paid in full.

3. **Deposit Required Upon Receipt of Estimate:**

   (a) If the estimated costs are greater than $20.00 but less than $500.00, the University may require a full deposit before proceeding with the desired action covered by the estimate.

   (b) If the estimated production costs are expected to exceed $500, the University may require the Requestor to post a 50% deposit before proceeding with the desired action covered by the estimate.

   NOTE: More than one estimate may be necessary during the processing of a PRR, depending on the nature of the PRR and the actions required for fulfillment, in which case each estimate will be subject to the requirements under this section.

4. **Final Payment:** The University may submit a final PRI reflecting the actual costs of production, where necessary. The University may require confirmation of the Requestor’s payment before any production is made. In the event there is any remaining balance after the production of records, the Requestor will remain responsible for such costs, and no additional PRRs will be accepted or processed until the outstanding costs are paid in full. In the event of an overpayment by the Requestor, the University will refund the difference to the Requestor.

VII. **COMPLAINTS OR QUESTIONS:**

A. **General Questions or Concerns:** The Requestor or any person may contact the Custodian of Records or the University’s Office of the General Counsel with general questions regarding PRR processing and applicable exemptions.

B. **Formal Filing of Complaints:** USF does not have one centralized Public Records Office; however, USF has designated the Office of the General Counsel as the Custodian of Public Records for purposes of receiving any written notice required under Section 119.12, Fla. Stat.
The contact information for the University’s designated Custodian of Public Records for this purpose is:

   Email:     USFPR@usf.edu
   Telephone number:  813-974-2131
   Mailing address:  4202 E. Fowler Ave., CGS 301
                    Tampa, Florida 33620-4301

VIII. CLOSING PUBLIC RECORD REQUESTS

The University will consider a PRR closed at the following times:

   A. The Requestor has paid all costs of production, and the Public Records have been made available to the Requestor.

   B. The University has provided a PRI (estimate or final costs) and no payment has been received within 14 days.

   C. The University has requested that the Requestor provide additional information necessary to fulfill the PRR, and the Requestor has not responded within 14 days of that request.

   NOTE: If a PRR is closed after the University has begun processing the PRR, but before processing is complete, the University has no obligation to retain for production any responsive Public Records located or retrieved to date. Should the Requestor re-submit the same PRR after responsive Public Records have been disposed of or returned to their respective Custodian(s) of Records, the University may require reimbursement of some or all of the same costs previously incurred, if any, as part of responding to the re-submitted PRR.

IX. RELATED INFORMATION

Florida Office of the Attorney General – The “Sunshine” Law

*Current Responsible Office: USF Services

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

History: Formerly Policy No. 8-304, New 2-7-89, Amended 5-15-98, 3-6-07, 11-8-10, 12-8-10 (technical), 2-17-11, 4-27-17 (technical), 8-28-17, 2-3-21 (technical).