



Okaloosa County

# Public Records Requests The Good, The Bad, and the Ugly.

# From 3-200 in 30 days

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■ ■ ■

## Emails suggest Mary Beth Jackson knew of child abuse at Kenwood

"Can any rational person expect a Superintendent of Schools who receives these two emails to not immediately take action to find out what is going on at the district staff level and at Kenwood — unless the superintendent was already...

Feb. 16, 2018



Shalimar Elementary School guidance counselor Sharen Burt. Burt was arrest...

Feb. 12, 2019



# From 3-200

- Divorce requests
- Transcripts
- Contracts
- Data Files

## Election Time

- Emails
- Calendars
- Board Agenda  
Items

## After:

- More Emails
- Policy
- Investigations
- Personnel Files
- Text Messages
- Phone Calls
- Contracts
- State Transmissions
- Digital Files

001

044

# Why Me?

- Email
  - State Requirement to Store all Emails for Public Record
- MIS – Records Custodial
  - Retention Destruction
  - Transcripts
  - Data File
- RMLO
  - Records
  - Management
  - Liason
  - Officer



Here We Go!

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# So Many Rules

- Florida Department of State
- Based on content, not document type
- Lawyers are a must





# So Many Rules – Here's a few...Quickly

- Superintendent's Text Messages
- Emails from Teachers
- Parent Discipline Requests
- Student Records
- Investigations
- Policy
- Video
- Emails from parents
- 10% Rule
- Personnel Files







# So Many Rules – What isn't public Record

## What would you like to print?

### (D) Confidential and Exempt Records.

(1) Records that are by law confidential and/or exempt from public disclosure are not subject to Public Records Requests. If the Records Custodian asserts that part of a requested record is confidential and/or exempt, the Records Custodian or designee shall redact that portion of the record which is confidential and/or exempt, and produce the remainder of such record for inspection and/or copying.

(2) If all or part of the requested record is exempt from public disclosure by law, the Records Custodian shall provide a citation of the statutory exemption to the requestor. If questions or concerns arise regarding the appropriate application of a statutory exemption the Records Custodian, or designee, should consult with the School Board Attorney.

(3) Records maintained by the District which may be exempt from public inspection include, but are not limited to (these exemption summaries should be used for reference only - the full text of the exemption can be found in the cited *Florida Statutes* and should be reviewed before drawing any legal conclusion):

(a) Education records, as defined in the Federal Family Educational Rights and Privacy Act (FERPA) and §1002.22, Florida Statutes, pursuant to §1002.221, Florida Statutes;

(b) Portions of personnel records, pursuant to §1012.31, Florida Statutes;

(c) Employee and student health and medical records as prescribed by Florida Statutes and P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA);

(d) Claims files maintained by any risk management program administered by the state, its agencies, and its subdivisions are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Claims files records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt, pursuant to §768.28 (16)(b), Florida Statutes;

(e) Security camera videotape pursuant to §119.071(3)(a), and §281.301, Florida Statutes. Such videotape may also be confidential and exempt as an education record when it depicts students, pursuant to §1002.221, Florida Statutes;

(f) Data processing software obtained under a licensing agreement which prevents its disclosure pursuant to §119.071(1)(f), Florida Statutes;

(g) All work products developed in preparation for collective bargaining pursuant to §447.605, Florida Statutes;

(h) Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation until such time as the agency provides notice of an intended decision or until thirty (30) days after opening the bids, proposals, or final replies, whichever is earlier, pursuant to §119.071(1)(b)2, Florida Statutes;

(i) Legal records prepared by an attorney exclusively for civil or criminal litigation or for adversarial administrative proceedings, until the conclusion of the litigation or adversarial administrative proceedings, pursuant to §119.071(1)(d), Florida Statutes;

(j) Appraisals, offers, and counteroffers related to the purchase of real property, pursuant to §1013.14, Florida Statutes;

(k) A complaint of misconduct filed with the District against a District employee and information obtained in the investigation until the investigation is concluded with a finding to proceed or not to proceed with disciplinary action or charges and the subject of the complaint has been notified of the finding. No material derogatory to an employee shall be open to inspection until ten (10) days after the employee has been notified, pursuant to §1012.31, Florida Statutes; and,

(l) Architectural plans and drawings of school facilities, pursuant to §119.071(3)(b)(1), Florida Statutes.



Love Your Lawyer





# Love Your Lawyer

- You have to be on a first name basis with your lawyer.
- You have to be on the same page –
  - When you go to him
  - When he comes to you
  - Timelines
  - Redaction Checks
  - Policy
  - Legal Documents





# Love Your Lawyer

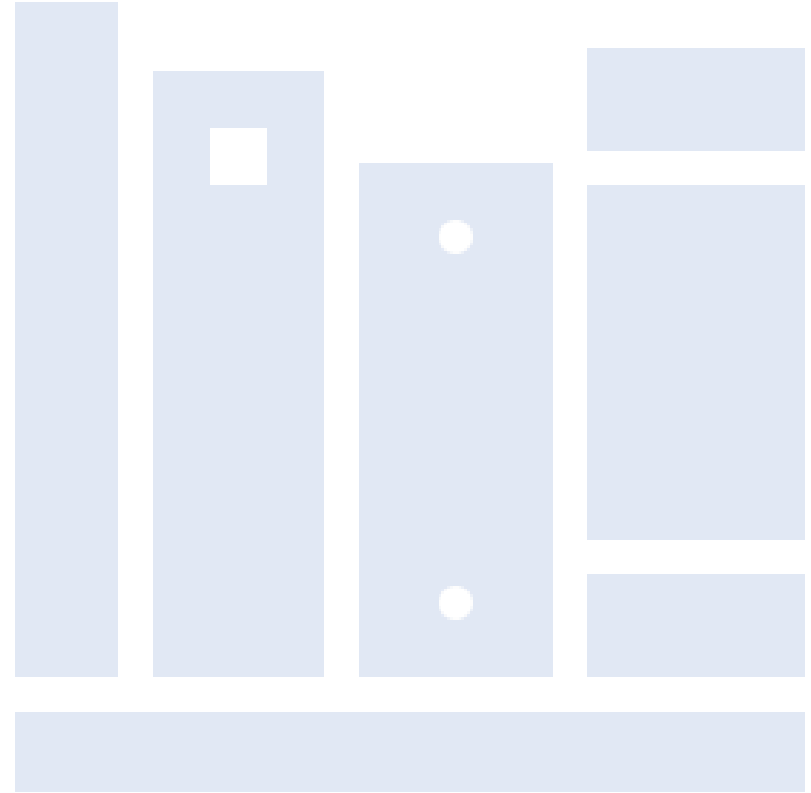
- PRR
- Evidence Hold
- Subpoena
- Discovery





# Policy

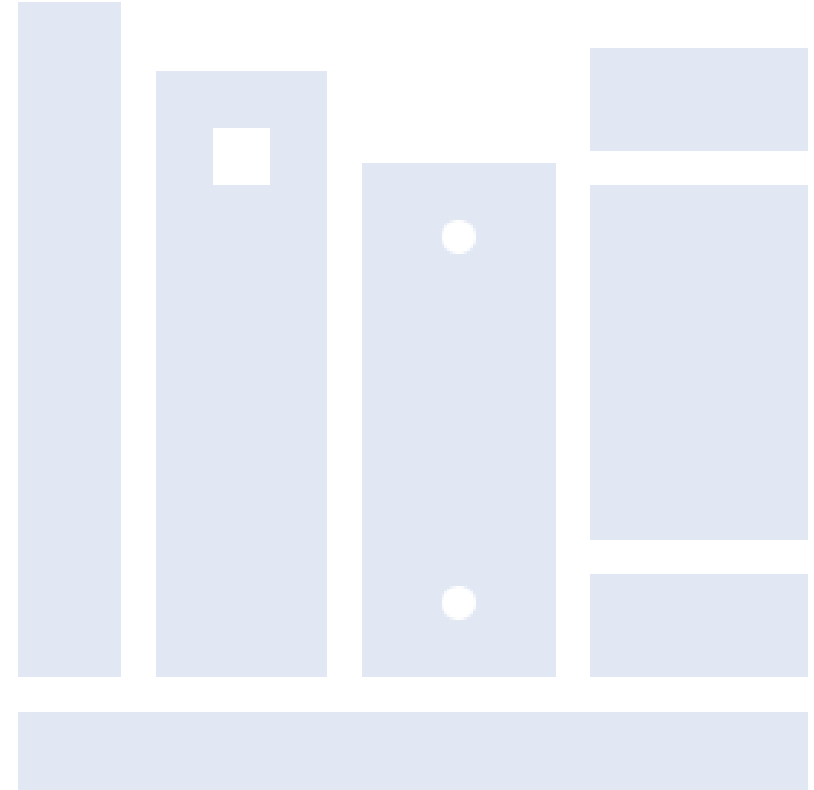
- Refer to the notes section below for guidelines on this topic.





# Policy

- Who, What, When, Where, How Much,
- State Legislation
  - 119.
  - HIPPA, FERPA,
  - 281.301
  - 1002.22
- Procedures
  - Them
  - You
- Price Breakdown
  - What is too cheap to worry about?

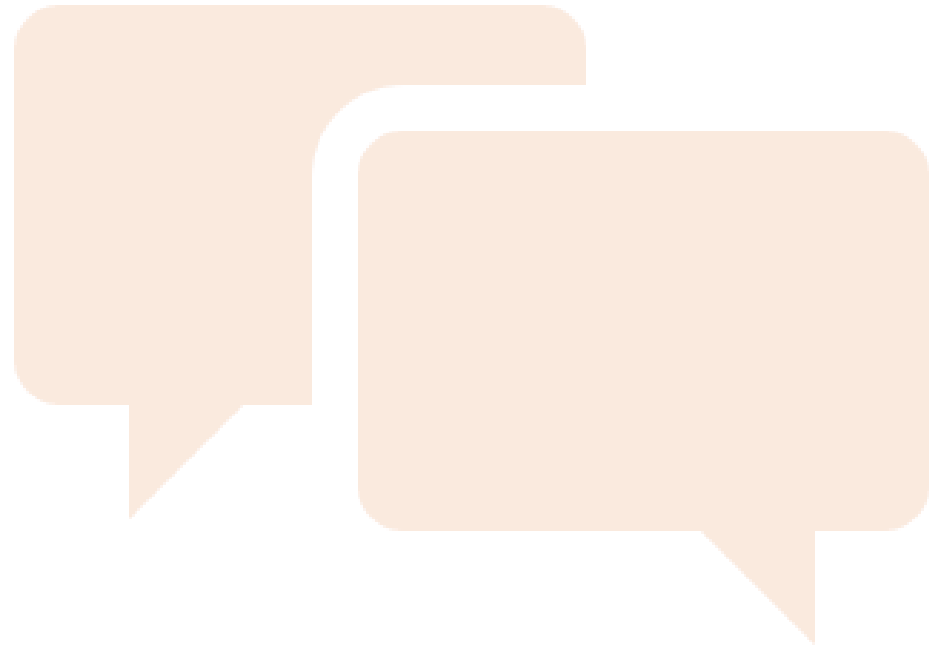


<https://www.boarddocs.com/fl/okaloosa/Board.nsf/Public>



# Where We Went Wrong

- Laying it all out there.





# Where We Went Wrong

 Outlook

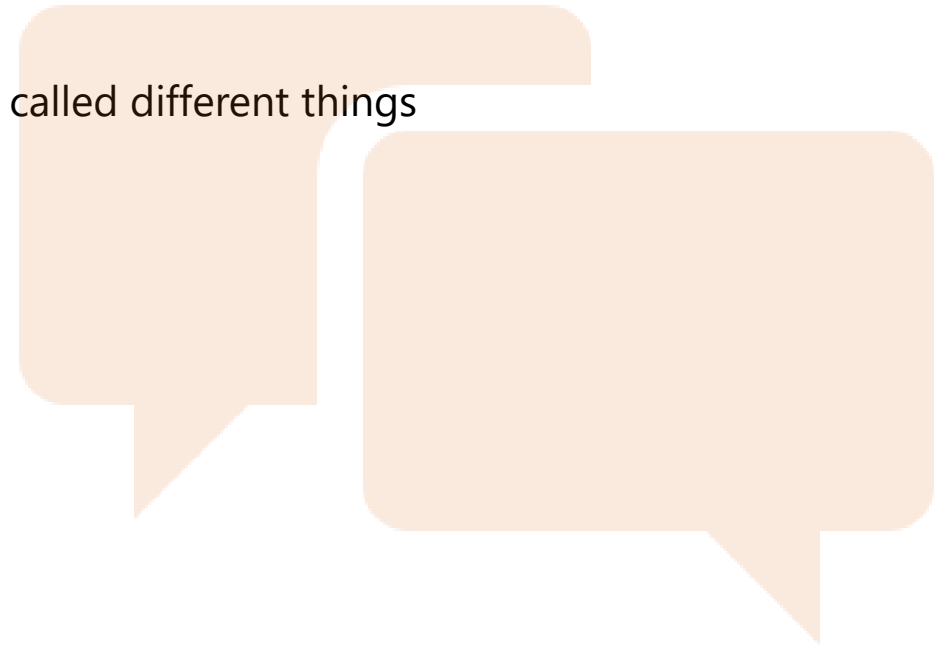






# Where We Went Wrong

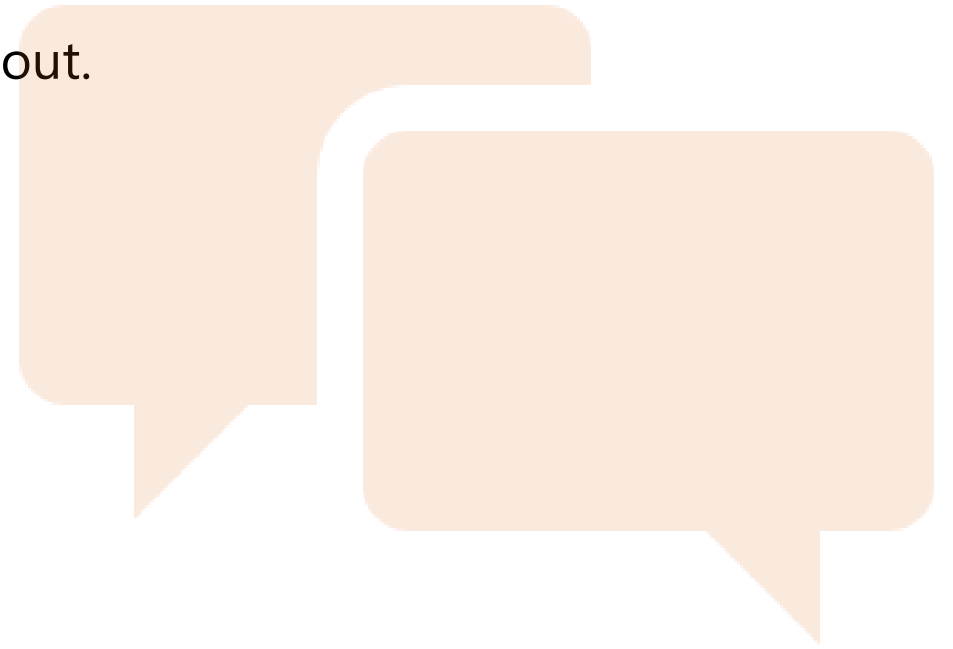
- Outlook
  - When you get 150 emails per day, you have to watch closely
  - Searching works great if what you're searching for isn't potentially called different things
    - FOIA
    - Public Records Request
    - Article 19
  - Multiple requestors, multiple requests
  - Public Requests for Public Requests
- Redaction
  - Sharpie Method
  - Adobe Pro
  - Smart Copiers (Killed Two Copiers)
- File Storage
  - File Plan
- HELP
- Tracking the Master





# Where We Went Wrong

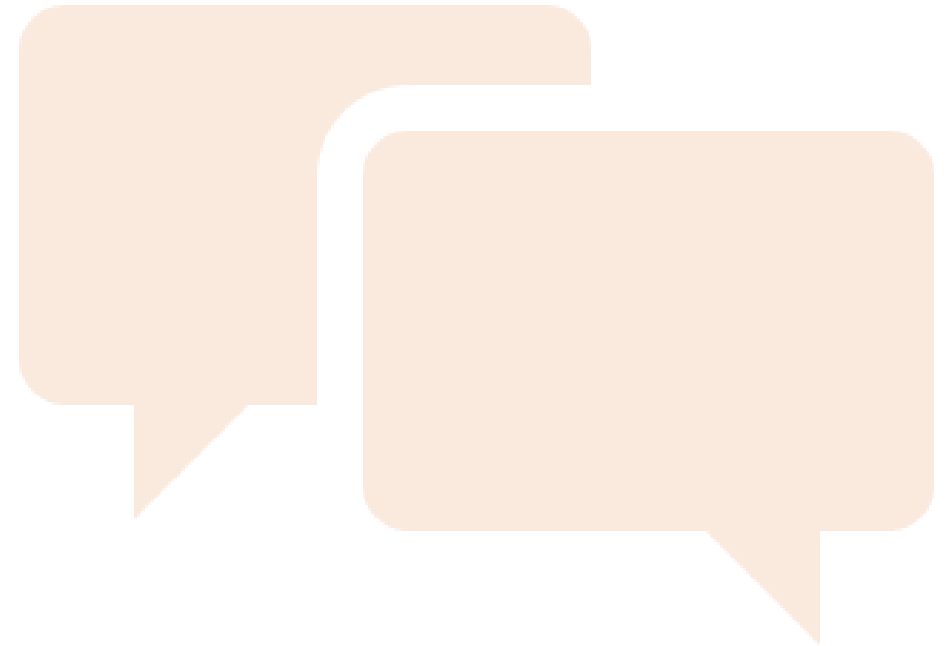
- The Master –
- You have to keep a MASTER FILE of Everything you send out.
  - Unredacted
  - Clearly Marked as such
- Everything produced comes from the Master.





# Where We Went Wrong

- Personnel
  - Strange Call
  - Multiple files in multiple locations –
    - They are told to
    - Security reasons
  - Employee Changes
    - Boss Resigns
    - Lead Secretary Transferrs
    - Seondary Gives Birth
    - (All in the same 90 days)
  - Multiple People giving requests
    - File mismatches
    - Redaction Differences





# What We've Done

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Personnel



# Personnel

- We do all Redaction
- We do Continuity Checks
- We now do “viewing” Records
- Software Upgrade (Fall)

Essentially We've taken away most of their responsibility to ensure accountability.

We've requested they create policy defining the District's official personnel file contents.



# HELP

- Position May not last long
- Public eye, who can redact?



**Other Skills and Abilities:**

- Ability to maintain strong computer skills to include web-based applications. Proficiency with Adobe Pro (or latest version).
- Ability to type a minimum of 30 words per minute.
- Ability to maintain a positive public rapport.
- Ability to work professionally in a stressful environment.
- Ability to maintain strict confidentiality, as required by law and policy. Ability to apply robust email communications skills.

**Physical Demands:**

While performing the duties of this job the employee is regularly required to sit, talk, and hear. The employee frequently uses fingers, tools or controls and reaches with arms or hands. Specific vision abilities required by this job include close vision, depth perception, and the ability to adjust focus. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Work Environment:**

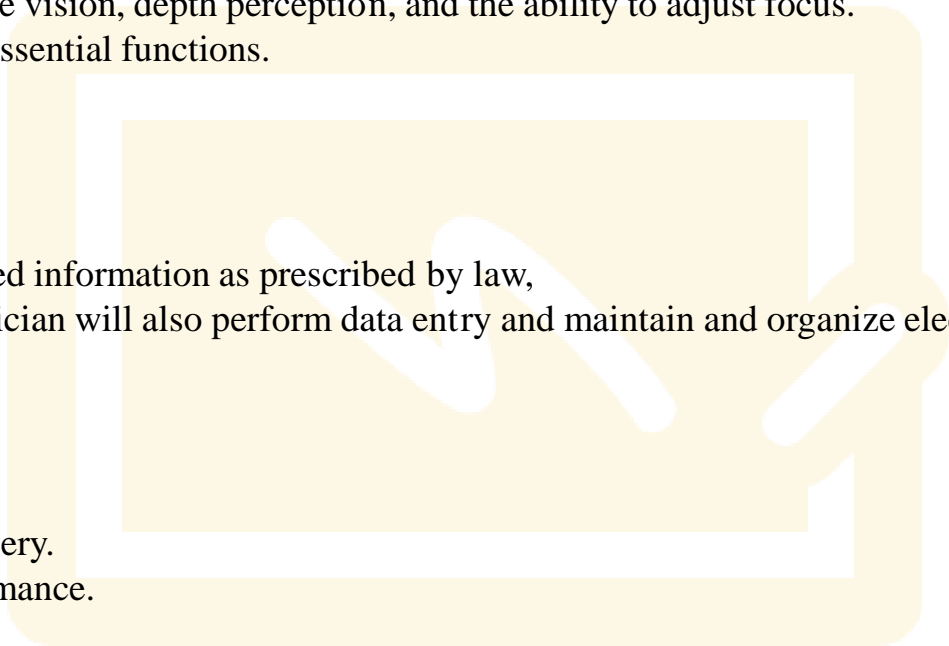
Noise level is usually quite.

**Job Goal:**

The Document/Data Technician is responsible for assisting with the redaction of publicly requested information as prescribed by law, and providing redacted records to the individual(s) who request them. The Document/Data Technician will also perform data entry and maintain and organize electronic and paper files.

**Essential Duties and Responsibilities:**

- 1.Reviews and redacts publicly requested records in accordance with applicable state laws.
- 2.Meets production requirements of a minimum of 450-900 pages reviewed per day.
- 3.Processes and tracks the records request from initial correspondence through final product delivery.
- 4.Develops, plans and evaluates efficiencies to better ensure compliance and improve task performance.
- 5.Performs frequent data entry.
- 6.Keeps data organized, safe, and available to include maintaining paper and electronic files, and inputting, organizing and retrieving information from these files.
- 7.Assists in maintaining positive public relations and harmonious working relationships with staff and the public, serving as an appropriate role model for others.
- 8.Coordinates distribution of appropriate forms to all schools and departments.
- 9.Responsible for administrative duties including, but not limited to, filing, scanning, faxing, composing correspondence, data entry, preparing mail, and answering phones.
- 10.Abides by and facilitates adherence to all applicable laws, rules, regulations, policies and procedures; maintains professional ethical standards, maintains high level of professional development/knowledge.
- 11.Performs other such duties as may be assigned by the Supervisor, or the Superintendent.

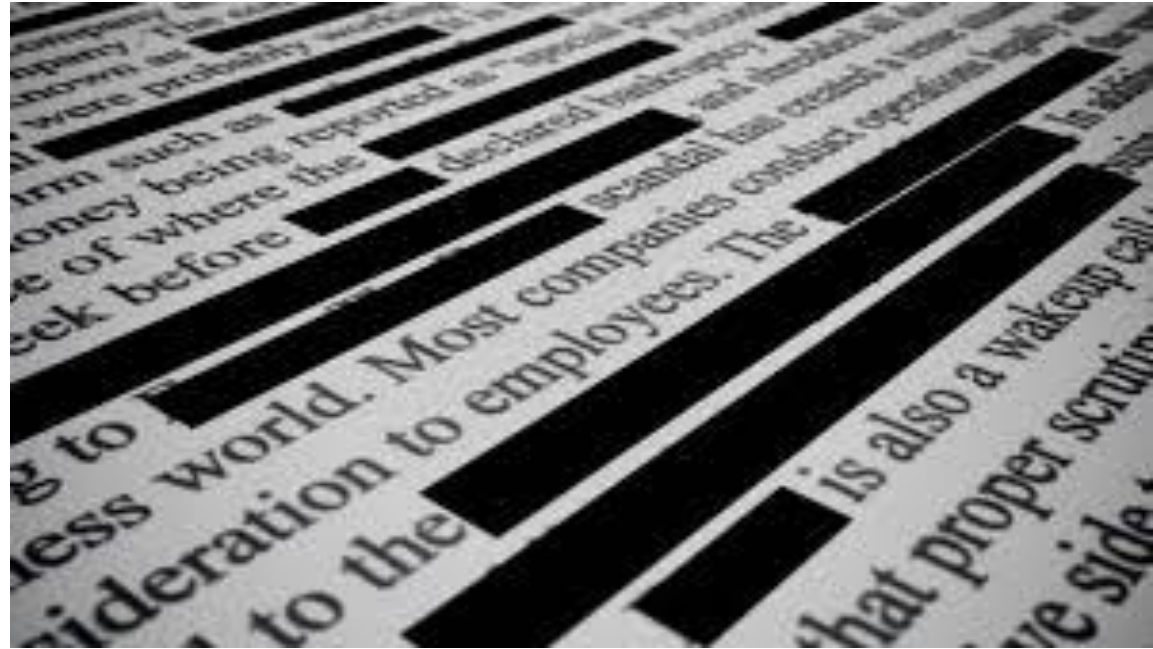






# Redaction

- Adobe Pro
- Tasked out





# File Storage

- Still Not there



# Our New Friend

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**STREAMLINES ENTIRE REQUEST PROCESS**



**NO SOFTWARE TO DOWNLOAD OR INSTALL**



**UNLIMITED USERS, NO LICENSING TO MANAGE**



**PUBLIC PORTAL FOR DOCUMENT RETRIEVAL**



- Website for entry of requests
- Built in Timers
- Automated Messaging
- Requestor Self Tracking
- Invoicing
- Integrates with Adobe Pro
- Allows for departmentalization of requested data.
- Starts October 1

[JustFOIA Login Page](#)

Public Sites:

Form: <https://okaloosaflps.justfoia.com/Forms/Launch/d705cb-d6-1396-49b7-939e-8d86c5a87deb>

Request Tracking

Portal: <https://okaloosaflps.justfoia.com/PublicPortal/Index>

- <https://okaloosaflps.justfoia.com/Account/Login>

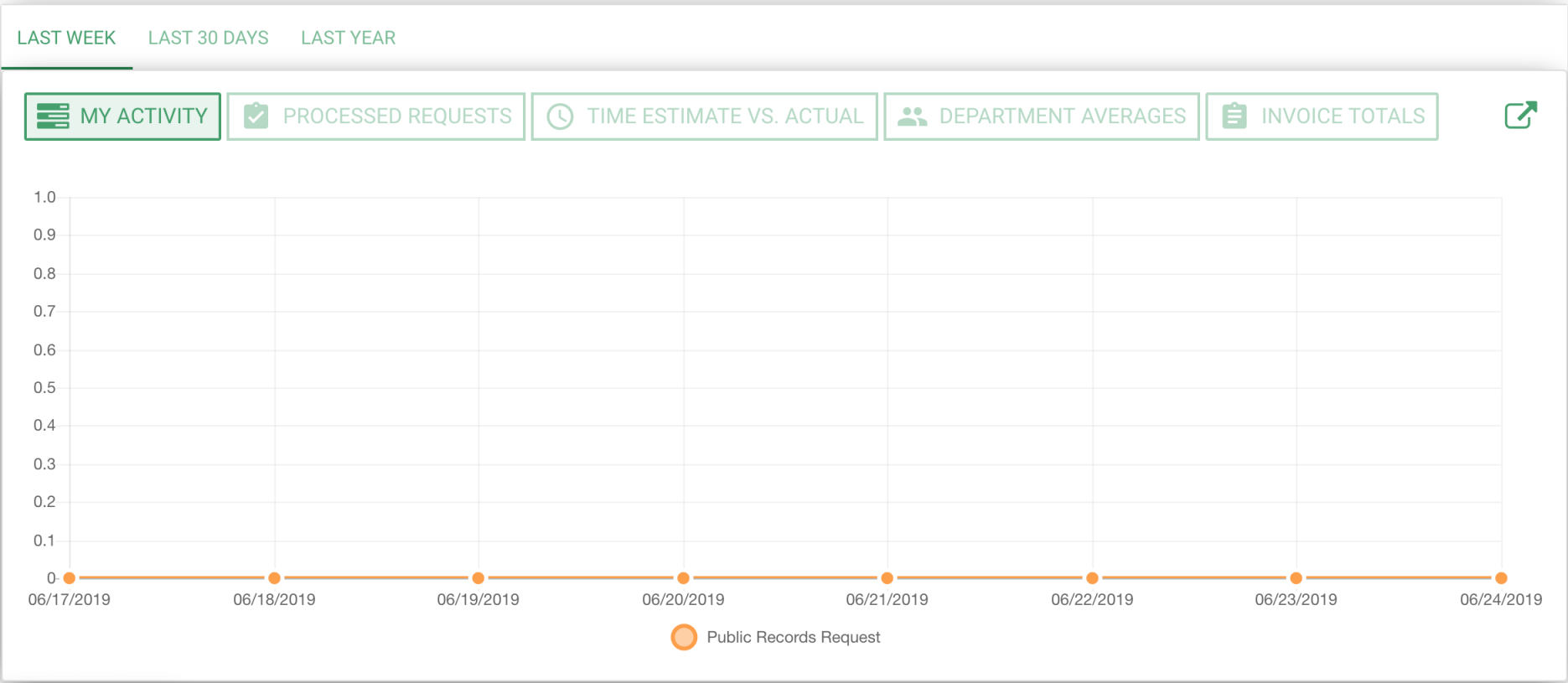
# Dashboard

OPEN REQUESTS  
**14**

NEEDS ATTENTION  
**1**

PAST DUE REQUESTS  
**6**

NEW EMAIL  
**0**



# Public Records Request

Request Number

PRR-175-2019

Security Key \*\*\*\*\*

Private

-11 Days Remaining

Request Date

23 Thursday MAY 2019

Due Date

7 Friday JUN 2019

Request Details

Request Fields

Name of Requestor

Wendy Victora - NWF Daily News

Phone

850-315-4478

Email

wwictora@nwfdailynews.com

Address

2 Eglin Parkway NE

City

Fort Walton Beach

State

Florida

Zip

32548

Status

New Submission

Departments

☐ MIS/IT

ASSIGN

Discussions

Filter

+ ADD NEW



# Finally

## Eric's Rules for staying alive

- Don't kill yourself on timelines
- Don't let subordinates redact the tough stuff
- Never Hide or Destroy anything for anyone
- Errors happen, own up. Intent versus accident
- Always follow the law
- Always communicate with all
  - You're the line between The public and the District
- Never answer questions
- Careful suggesting changes
- Over Redact

# Favorite Stories

- Parent Gives Rights for Student Records to a Complete Stranger
- 1TB Subpoena (Emails)
- Teacher used Class Dojo for Affair (in German)



# Student Protection is your Number One Priority

- At any time, an individual has the right to inspect and/or copy public records. Please refer to [Chapter 119](#) in the Florida Statutes for additional information on fees associated with public records requests.