

Public Records

Frequently Asked Questions

1. What are Public Records?

Public Records are “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 connection with the transaction of official business by any agency.” Section 119.011(12) Florida Statutes. The definition encompasses all materials made or received by an agency in connection with official business which are used to perpetrate, communicate or formalize knowledge.

2. If a document is marked “confidential,” does it have to be disclosed?

Maybe. Just because a document is marked confidential does not make it exempt from disclosure. To be exempt, there must be a provision created by law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of the Sunshine Law.

3. Is an email a public record?

An email can be a public record, if it is made or received by agency employees in connection with official business, provided there is no exemption. The content of the communication determines whether or not an email is a Public Record.

4. Who is responsible for storing my emails?

You are responsible for the storage and maintenance of your own emails.

5. If I send an email related to work from my personal email account whether at work or at home, is it a public record that is subject to disclosure?

Yes.

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Frequently Asked Questions (Continued)

- 6. If I send an email related to work using my university email account on my personal computer while at home, is it a Public Record that is subject to disclosure?**

Yes.

- 7. I heard somewhere that a “transitory message” is a public record that is not maintained beyond its administrative value. Is this true?**

Yes. A transitory message is something that is not for the perpetuation of knowledge, does not set policy, guidelines or procedures, does not certify a transaction or become a receipt. For example, email messages with routine office announcements like, “Building will be closed over the weekend,” or a self-sticking note with the notation “FYI” placed on the cover of a work-related journal are not Public Records that have to be maintained beyond their administrative value.

- 8. Can anyone make a public records request?**

Yes, anyone can make a public records request. They do not have to give their name, put their request in writing, or give the reason or the request.

- 9. I have a request for a Public Record, but I already destroyed the requested record. Is that a problem?**

Yes. A person violates laws when he or she is aware that the record should be kept but destroys it anyway. This person could be subject to one year in prison, a \$1,000 fine, or both. The person who knowingly violates laws could also be suspended or separated from employment. If the violation was just negligence, and the person did not know the record should have been kept, then a fine of \$500 could be assessed.