

SUBJECT:

ORIGINATING DEPARTMENT:

Protection of Personal Information Exempt from Public Disclosure Policy

BOCC County Administration

Page 1 of 3

POLICY:

In keeping with the provisions of Florida Statutes, Section 119, and other applicable regulations, the Board of County Commissioners establish this regulation to ensure that personal information retained in County records will be protected from public disclosure except as required by law.

DEFINITIONS:

- “Personal information” means recorded information about an identifiable individual. Personal information includes: home address, home telephone number, race, nationality, origin, color, political or religious beliefs, age, sex, sexual orientation, marital or family status, and any identifying number or symbol assigned to an individual. It may also include information pertaining to finances, education, health, criminal records and employment, and images.
- “Redact” is to conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information. Chapter 119.011 F.S.
- “Legitimate business purpose” includes verification of the accuracy of personal information received by a commercial entity during normal course of its business; use in civil, criminal or administrative proceeding; use for insurance purposes; use in law enforcement investigation of crimes; use in identifying and preventing fraud; use in matching, verifying or retrieving information; and use in research activities. A legitimate business purpose does not include display or bulk sale of Social Security numbers to the general public or the distribution of such numbers to any customer that is not identifiable to the distributor.

ELECTRONIC RECORDS:

E-mail and electronic records which are a public record but contain exempt information shall be produced with the exempt information redacted.

The redaction shall be in accordance with the Records and Information Management (RIM) Manual.

PROCEDURES:

1. Personal information exempt from public disclosure is not to be collected or used in the ordinary course of business except when it is necessary to verify an individual's identity for administration of employee benefits such as health insurance, or as otherwise imperative for performance of the county's duties and responsibilities as prescribed by law. The provisions of Section 119.071(5)(a)2 F.S. shall be followed.

PROCEDURES: Continued

County offices that collect exempt personal information shall segregate that information onto a separate page from the rest of the record, or as otherwise appropriate, in order that the exempt information may be more easily redacted in the event of a public records request.

2. A County department collecting a person's exempt personal information shall upon request provide that person with a statement of the purpose or purposes for which the information is being collected and used.
3. Exempt personal information collected by the county shall not be used for any purpose other than the purpose stated.
4. Exempt personal information may be disclosed to another governmental entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of such information.
5. When exempt personal information no longer has administrative value, that portion of the document containing personal information shall be destroyed as soon as possible. Any paper documents that are discarded containing personal information shall be disposed of in accordance with disposition rules.
6. The Social Security numbers of all current and former county employees contained in county employment records are exempt from public disclosure and copying. An agency that is the custodian of a social security number as specified above and that is not the employing agency shall maintain the exempt status of the social security number only if the employee or the employing agency of the employee submits a written request for confidentiality to the custodial agency. See Section 119.07(4)(a)1-2 F.S.
 - a. Exempt personal information will not be released to anyone, except as required by law, and will be made available internally on a need-to-know basis as authorized by the Department Director.
7. In addition to Social Security numbers, other personal information may be exempt from public disclosure or copying. Example of other exemptions are:
 - a. The home addresses, telephone numbers, and photographs of active or former.
 - b. Law Enforcement personnel (including the personnel of the Department of Children and Families, Department of Health, and Department of Revenue whose duties include the investigation of child abuse, or enforcement of child support)
 - c. Code Compliance Officers, Firefighters

PROCEDURES: Continued

- d. judges, current or former state attorneys, assistant state attorneys, statewide prosecutors or assistant statewide prosecutors, judges (Supreme Court, District Court, Circuit Court, and/or County Court),
 - e. Human Resources (including labor relations, employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water district whose duties include hiring and firing, labor contract negotiations or other personnel related duties).
 - f. The same exemptions apply to the spouses and children of the above individuals as well as the names and locations of school and daycare facilities attended by them.
8. A commercial entity engaged in the performance of a commercial activity may obtain access to exempt personal information, including not limited to Social Security numbers, provided that the exempt information used only in the normal course of business for legitimate business purposes, and provided that the commercial entity makes a written request legibly signed by an authorized officer employee or agent of that commercial entity.
- a. The written request must include the commercial entity's name, business mailing and location addresses, business telephone number, and a statement of the specific purpose for which it needs the Social Security numbers and how the Social Security numbers will be used in the normal course of business for legitimate business purposes. The provisions of Section 119.071(5)(a)5 F.S. shall be followed.

These exemptions require that the person or employing agency submit a written request for such exemption. See Section 119.071(4)7, F.S.

There are other records exempt from inspection or copying and may be found in the following Statutes:

- 119.071: General exemptions from inspection or copying of public records.
- 119.0711: Executive branch agency exemptions from inspection or copying of public records.
- 119.0712: Executive branch agency-specific exemptions from inspection or copying of public records.
- 119.0713: Local government agency exemptions from inspection or copying of public records.

Additional information is available at the First Amendment Foundation's website, <http://www.floridafaf.org>, in the "Government in the Sunshine Manual."

FOOTNOTES & REFERENCES TO RELATED AR'S: AR4.05, AR5.03