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## RECORDS MANAGEMENT

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### PURPOSE

Compliance with the Sarbanes-Oxley Act, which makes it a crime to alter, cover up, falsify or destroy any document with the intent of impeding or obstructing any official proceeding.

### POLICY STATEMENT

The Early Learning Coalition of Pasco and Hernando Counties, Inc. (Coalition) acknowledges its responsibility to preserve information relating to litigation, audits and investigations. The Sarbanes-Oxley Act of July 30, 2002 makes it a crime to alter, cover up, falsify or destroy any document to prevent its use in an official proceeding. Failure on the part of employees to follow this policy could result in possible civil and criminal sanctions against the Coalition and its employees and possible disciplinary action against responsible individuals.

### POLICY SECTIONS

#### **Public Records Law compliance, access and confidentiality**

- Coalition records classified as public records shall be available for inspection by the public unless otherwise specified by law. Access to these records will be provided at a cost that does not exceed the cost provided in chapter 119, F.S., or as otherwise provided by law.
- The Coalition will provide access to records to OEL or any of their authorized representatives directly pertinent to OEL grant awards for the purpose of audits and/or examination.
- In accordance with s. 1002.97, F.S., the individual records of children enrolled in SR or VPK programs, held by the Coalition or OEL, are confidential and exempt from the provisions of s. 119.07(1), F.S., and 24(a), Article I of the State Constitution.
- The Coalition shall allow a parent the right to inspect and review the SR and VPK records of his/her child and provide the parent a copy of the record upon request.
- Public records include any hard copy or electronic copies of records made or received by any public agency in the course of its official business. Records such as policies, program results, computer records, emails, Facebook and text messages are all available for inspection unless specifically exempted in state statute.
- The following materials and no others will comprise personnel files:
  - Employment Application and Resume;
  - Job Description;
  - Salary/Benefit Election Forms;
  - W-4 Form;
  - Employment Contract, if applicable;
  - Signed Employee acknowledgements of receipt and review of Coalition Policies and Procedures;
  - Performance Evaluations;

- Discipline Notes/Memorandums;
- Grievances;
- Completed Training Certificates;
- Achievement Awards.

**Implementation:** Personnel records of current and future staff will conform to this policy.

**Electronic Documents and Records:** Electronic documents will be retained for five years as if they were paper documents. These records include, but are not limited to:

- School Readiness (SR) and Voluntary Prekindergarten (VPK) eligibility and enrollment files.
- SR and VPK provider contract files.
- SR and VPK provider payment records.
- Staff background screening verification.
- Sign-in/Sign-out records for all SR and VPK programs, as well as VPK03S or 03L forms.
- Contracts/Agreements
- Accounting records and supporting documentation.

*Emergency Planning:* The Coalition's records will be stored in a safe, secure and accessible manner. Documents and financial files that are essential to keeping the Coalition operating in an emergency will be duplicated or backed up at least weekly and maintained in an on-site fireproof safe.

**Document destruction:** Destruction of records will be accomplished by shredding once it has been determined that the required retention period has been met. The Coalition will follow the document retention schedule as outlined in the Grant Agreement with Florida's Office of Early Learning. In addition, as stated in the Grant Agreement, the Coalition will abide by privacy measures of the Health Insurance Portability and Accountability Act (HIPPA) if applicable.

### **Public Record Requests**

**Subpoenas:** The Assistant Executive Director is responsible for the acceptance of service of subpoenas that are directed to the coalition.

Procedure:

- Entities are not required to generate new forms or records if the requested information is not already part of records made or received as part of its operations.
- If an exempt record is requested, any entity must state the basis for its refusal to release the requested exempt record. If an exemption is applicable, it must be stated in writing and must contain the statutory citation to support the specific exemption.

Requests may be made in writing or orally and should be referred to the Assistant Executive Director (AED) of the coalition. The AED is responsible for gathering the requested documents and then arranging a time for inspection of the documents or making copies available to the requester.

**Charges for providing copies of Coalition records or publications:** This describes the procedure for assessment and collection of fees when providing a copy of a public record to a client or the general public. This operating procedure does not apply to copies of records for which fees have been established or waived by state or federal law or existing negotiated contracts.

- Fees for providing copies:
  - When providing a copy of a public record to a client or the general public, the fee which may be charged is the fee prescribed by law or, if not prescribed by law, the fee is:
    - Fifteen (15) cents per one-sided copy for photocopies no larger than 14 inches by 8½ inches.
    - No more than an additional 5 cents will be charged for each 2-sided copy. (F.S. 119.07 (4) (a)2)
    - The actual cost of duplicating the requested material for copies larger than 14 inches by 8 1/2 inches, or the actual cost of duplicating the requested material for copies (regardless of size) which are duplicated by some means other than photocopying.
  - The cost of mailing or shipping the requested material may also be added to the fee for duplicating the requested material, if the requester asks that the material be delivered (instead of the requester, or representative, picking up the material in person).
- A special service charge (if applicable pursuant to section 119.07(1)(4)-(b) (3. (d), F.S.) may be added to the fee for duplicating requested material. A special service charge for “extensive assistance by Coalition staff” may not be assessed unless Coalition staff spend at least 15 minutes to retrieve, copy and refile, or redact (if applicable) the requested material. Upon request, documentation supporting the assessment of the charge will be provided to the requestor.
- Cost/cost estimate may also be provided to requester of public information prior to compiling documentation. Charges may vary depending on the depth of research required, actual cost of preparation and a special service charge may be applied based on labor cost of the Coalition staff person providing the service, if that service does require staff to spend more than 15 minutes to retrieve, copy and refile, or redact (if applicable).
- Unless prescribed by law, no fee may be charged if the cost of providing the material is less than \$3.00, including mailing or shipping costs and special service charge (if applicable).
- Copies Provided Without Charge:
 

Unless prescribed by law, no fee may be charged for providing copies as follows:

  - Administrative Publications. City, county, state or federal government agencies and elected or appointed government officials will be provided free as many copies as required.
  - Client Records. Copies of confidential records will be provided only to those individuals or agencies as specified by law under sections 1002.72 and 411.011 FS.
    - City, county, state or federal government agencies and elected or appointed government officials, as specified by law, will be provided one complete free copy.
    - A client or the client’s attorney or representative, as specified by law, will be provided, upon request and at no charge, one copy of the client’s record. If the client receives one free copy, the client’s attorney or representative is not entitled to another free copy.
  - All Other Public Records. City, county, state or federal government agencies and elected or appointed government officials will be provided one complete free copy. Copies of confidential records will be provided only to those individuals or agencies as specified by law.
  - Media Other Than Hardcopy. Media other than hardcopy may consist of microfilm, microfiche,

photographs, slides, films, tapes, and videotapes. The fee which may be assessed for providing media other than hardcopy will be based upon the actual cost to the Coalition for producing the media. (If applicable, a special service charge may be added.)

- Computer Generated Information. The fee for providing information which is already contained in a computer generated report will be based upon the actual cost to the Coalition for providing the report. The fee for providing information which requires the use of the computer to generate the requested information will be based upon:
  - The labor cost of the employees who write programs and operate the computer and its peripheral equipment to generate the requested information.
- Payment of Fees. Fees are payable by cashier's check, money order, or personal check and must be collected prior to delivery of the requested material. Checks and money orders must be made payable to the Coalition.
- Processing Collected Fees. Fees received will be forwarded to the coalition Finance Director who will deposit into the appropriate miscellaneous income account.

## **ROLES AND RESPONSIBILITIES**

The Executive Director is responsible for ensuring compliance with this policy.

The Office Manager is responsible for the ongoing process of identifying records which have met the required retention period and overseeing their destruction.

Applicable Authoritative Citations: (Additional information can be found in OEL Grant Agreement)  
2 CFR 200.335, *Methods for collection, transmission and storage of information*  
OEL Program Guidance 101.02, *Records Confidentiality*  
Information Technology Security Policy

1<sup>st</sup> Reading: 4/17/08

Approved: 5/15/08

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