DIVISION OF HUMAN RESOURCE MANAGEMENT
POLICY GUIDELINE

STATE PERSONNEL SYSTEM

SUBJECT: Agency Administration of Public Record Exemptions Applicable to Personnel Information and Other Personal Information

POLICY GUIDELINE: HRM # 2018-011  EFFECTIVE DATE: August 3, 2018


STATUTES/RULES/REGULATIONS/LAWS:
Section 119.071, Florida Statutes (F.S.), General exemptions from inspection or copying records
Section 741.401, F.S., Legislative findings; purpose
Section 741.402, F.S., Definitions
Section 741.403, F.S., Address confidentiality program; application; certification
Section 741.404, F.S., Certification cancellation
Section 741.405, F.S., Agency use of designated address
Section 744.21031, F.S., Public records exemption

FORMS:
N/A

ADDITIONAL REFERENCE MATERIALS:
Public Records Request: Employee Data – People First Public Records Request Policy

SCOPE AND PURPOSE

This document is intended as a reference tool for the operational distinctions for each of the four privacy indicators in the People First system as described, so that agencies may use them appropriately to ensure that all applicable records maintained in the system are also protected as provided by law.

DEFINITIONS

Address – under sections 741.401-741.405, F.S., means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant in the Address Confidentiality Program (ACP).

Exemption – pursuant to section 119.011, F.S., means a provision of general law that provides that a specified record, or portion thereof, is not subject to the access requirements of section 119.07(1), F.S., or section 24, Article I of the State Constitution.

Program participant – as used herein, means a person certified as a program participant in the ACP under section 741.403, F.S.
PROCEDURE

The following chart describes the four privacy indicators in the People First system and the conditions under which each indicator may be used. In the event that the employee is known to meet more than one of these conditions for exemption, all applicable indicators may be used.

**Note:** Records that are designated by statute as Exempt need not be released by an agency, but may be if there is a statutory or substantial policy reason for such release. Records designated as Exempt and Confidential are not subject to public inspection and may be released only to those persons and entities designated in statute.

A. Privacy Indicators

After determining that an employee is covered by an applicable exemption in Florida Statutes, the employing agency should activate and maintain the appropriate indicators, based on the following:

<table>
<thead>
<tr>
<th>Indicator Name</th>
<th>Location of Checkbox in the People First System</th>
<th>Description (When to Use)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sworn/Certified</td>
<td>Position Side: Position Attributes screen checkbox titled Sworn/Certified</td>
<td>Position Side: Use this checkbox if the duties of the position must be carried out by someone who is sworn and/or certified and involves law enforcement, corrections, or firefighting, as described in a subparagraph of section 119.071(4)(d)2., F.S.</td>
</tr>
<tr>
<td></td>
<td>Employee Side: Personal Info screen checkbox titled Sworn/Certified</td>
<td>Employee Side: Upon appointment (via the PAR process) into a position that has been flagged Sworn/Certified on the position side, the system will auto populate the Sworn/Certified indicator on the (Employee) Personal Info screen by an overnight batch process. In addition, use this checkbox if an employee self identifies as a former holder of a sworn/certified position in the areas of law enforcement, corrections, or firefighting. In these cases, the Sworn/Certified indicator on the (Employee) Personal Info screen must be manually updated after the PAR has been completed. (This will not affect the position side.)</td>
</tr>
<tr>
<td></td>
<td><strong>Always reference the actual statutory language in determining whether an exemption is still applicable.</strong></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Once this indicator has been activated on the employee side, it will follow the employee to other positions in the People First system. This is because, pursuant to Chapter 119, F.S., individuals who are current or former holders of a sworn/certified position in law enforcement, corrections, or firefighting, are permanently eligible for this exemption, even if they are no longer active in such positions.
<table>
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<th>Description (When to Use)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Restricted Employee/Restricted Position</strong></td>
<td><strong>Position Side:</strong> Position Attributes screen checkbox titled Restricted Position <strong>Employee Side:</strong> Personal Info screen checkbox titled Restricted Employee</td>
<td><strong>Position Side:</strong> Use this checkbox if the duties of the position are not sworn/certified, but do involve any of the various duties described in a subparagraph of section 119.071(4)(d)2., F.S. <strong>Employee Side:</strong> Upon appointment (via the PAR process) into a position for which the Restricted Position indicator has been flagged on the position side, the system will auto populate the Restricted Employee indicator on the (Employee) Personal Info screen by an overnight batch process. In addition, use this checkbox if an employee self identifies as a former holder of a position to which the exemption still applies, are servicemembers as defined in section 119.071(5)(k)1.b., F.S., or are requesting exemption as a current or former public guardian or an employee with fiduciary responsibility as defined in section 744.21031, F.S. The Restricted Employee indicator on the (Employee) Personal Info screen must be manually updated after the PAR has been completed. (This will not affect the position side.) <strong>Pursuant to Chapter 119, F.S., individuals who are current or former holders of specified positions or are servicemembers as defined in section 119.071(5)(k)1.b., F.S., are permanently eligible for this exemption, even if they are no longer active. This also applies to individuals who are current or former holders of specified positions defined in section 744.21031, F.S., who have requested this exemption. If this indicator has been activated on the employee side, it will follow the employee to other positions.</strong></td>
</tr>
<tr>
<td><strong>Restricted Relative</strong></td>
<td><strong>Position Side:</strong> N/A <strong>Employee Side:</strong> Personal Info screen checkbox titled Restricted Relative</td>
<td><strong>Positions Side:</strong> N/A <strong>Employee Side:</strong> Use this checkbox if an employee self identifies as the spouse or child of a person who is exempted under a subparagraph of section 119.071(4)(d)(2), F.S., as the spouse or dependent of a person exempted under section 119.071(5)(k)1.b., F.S., or as the spouse or child of a person exempted under section 744.21031, F.S. <strong>Note:</strong> Eligibility for this indicator may change in cases of divorce or dependency. This indicator does not automatically follow employees who move to other positions. It should be re-activated only if still valid.</td>
</tr>
</tbody>
</table>
Agency Administration of Public Record Exemptions Applicable to Personnel Information and Other Personal Information

### Indicator Name

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</table>
| Protected Identity | Position Side: N/A Employee Side: Personal Info screen checkbox titled Protected Identity | **Position Side: N/A**
**Employee Side:** Use this checkbox if any employee documents their legal right (substantiated in the form of a court-issued restraint order or other legal document) to have their home and work address information exempted from public record requests, due to special circumstances.

**Note:** Eligibility for this indicator may change in cases where the court order expires. This indicator does not automatically follow employees who move to other positions. It should be re-activated only if still valid.

Note: For information on which People First system data elements are redacted when the above-mentioned indicators are used, refer to the People First Public Records Request Policy document at:

[https://www.dms.myflorida.com/content/download/129330/804154/Public_Records_Request_Policy_-_PF_Team_03-23-18_Final.pdf](https://www.dms.myflorida.com/content/download/129330/804154/Public_Records_Request_Policy_-_PF_Team_03-23-18_Final.pdf)

### B. All Other Employees

Unless the employee meets one of the above conditions, no privacy indicator should be used.

### C. Participants in the Address Confidentiality Program

The ACP for victims of domestic violence was created in 1998 to facilitate the ability of victims to have contact information that does not compromise their safety and is used by governmental agencies to respond to public record requests without disclosing the victims’ actual addresses. ACP is administered by the Office of the Attorney General (OAG). The law provides a procedure for victims (who meet the specified criteria) to apply for a new mailing address that is assigned by the OAG. (Upon proper application, OAG shall certify such applicants as program participants for four years, unless certification is withdrawn or invalidated. A process is also provided by which certification may be cancelled). Additionally, the law provides that state and local agencies shall accept the OAG assigned mailing address as the participant’s official address, unless the agency in question can demonstrate statutory or administrative need for the actual address. Participants may also elect to use the OAG address as their work address.

An employee who is a program participant in ACP will be provided with an OAG-issued address. This substitute address must be accepted by the employing agency as the ACP participant's residential, mailing, and business address. Therefore, even the work location/mailing addresses on the position side of the People First system should be updated to use the ACP address (in lieu of reflecting the usual position address information).
The ACP address is not protected from disclosure. Therefore, there is no privacy indicator for certified ACP participants. In addition, if the ACP participant voluntarily chooses to release his or her actual address information, the agency is not required to keep that information confidential and may be obligated to include such information in any public record request.

If there are questions regarding the ACP or compliance with the ACP law, the agency should contact the following for guidance:

Office of the Attorney General
Division of Victim Services
Address Confidentiality Program
PL-01, The Capitol
Tallahassee, Florida 32399-1050

Telephone Number: (850) 414-3300 or (800) 226-6667

APPLICABLE STATUTORY AND RULE PROVISIONS

1. Public Records Law
   • Section 119.071(4)(d), F.S., Agency Personnel Information
   • Sections 119.071(5)(a)5., (5)(a)6., and (5)(k), F.S., Other Personal Information

2. Public and Professional Guardians
   • Section 744.21031, F.S., Public Records Exemption

3. Address Confidentiality Program
   • Section 741.401, F.S., Legislative findings; purpose
   • Section 741.403, F.S., Address confidentiality program; application; certification
   • Section 741.404, F.S., Certification cancellation
   • Section 741.405, F.S., Agency use of designated address

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1 In cases where the Attorney General has determined that an agency has a bona fide or administrative need to use the employee’s actual addresses and such agency is required to maintain the confidentiality of such addresses, the “Protected Identity” Indicator may be used.