



THE STATE OF FLORIDA  
**JUSTICE ADMINISTRATIVE COMMISSION**

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**MEMORANDUM 010-16HR**

**TO:** Agency Administrators

**FROM:** Carolyn Horwich, J.D., Director of Human Resources

**THROUGH:** Rip Colvin, Executive Director

**SUBJECT:** Chapter 119, F.S., Exemptions, Privacy Questionnaire, and Sample Non-Disclosure Request Form *(Cross-reference Memorandum 027-15HR)*

**DATE:** April 21, 2016

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Background

Pursuant to section 119.071(4), F.S., certain personal information of specific employees within Justice Administration is exempt from public disclosure. This means that the custodian of that information is authorized to withhold disclosure of that information upon request of the individual whose information is being requested, unless otherwise directed by law. .

New Public Record Exemption



This year, the Legislature amended Chapter 119, F.S., to allow current or former personnel employed in an agency's office of inspector general or internal audit department to request that certain identification and location information of theirs (and that of their spouse and dependents), be protected from disclosure. (Ch. 2016-164, L.O.F.)

What Information is Exempt?

Exempted data are enumerated in s. 119.071(4), F.S. It is of paramount importance that all staff understand what information is exempt from disclosure, as well as what steps are necessary to implement the exemption. For example, there is no statutory exemption from public records for an employee's salary. Furthermore, if a request to protect one's information is made to one records custodian, i.e., the Property Appraiser, that request will not apply to any other records custodian.

Depending on whether the employee is entitled to an exemption him or herself, or is the spouse, child, or dependent of someone entitled to an exemption, the following data are *examples* of those exempt from a public records request:

- home address
- date of birth
- telephone number(s)
- work location address
- photographs
- names and locations of schools and day care facilities

The list above is not exhaustive; what information is protected is dependent on the statutory exemption under which the employee falls.

#### Non-disclosure Requests in the People First System

Entities under Justice Administration are able to check certain privacy indicators in the People First system that will identify the employee as someone entitled to a statutory exemption to the Public Records laws. As Human Resources personnel for your circuit, you should be familiar with privacy indicators that are available in People First (see Memorandum #008-13HR: <\\Jactlh003\hr\Privacy Indicators\Memos, backup, etc\MEMORANDUM 008-13HR Privacy Indicators.pdf>). By providing your employees with the attached Privacy Questionnaire, they can determine if any of the exemptions apply to them. They should complete, sign and date, and return the form to you for processing in People First. The form should be maintained in the employee's personnel file. **Please note – the Privacy Questionnaire has been updated effective April 21, 2016 and reformatted and is posted on JAC's website under "Forms". Please delete all old forms you may have.**

#### Non-disclosure Requests for Other Records Custodians

The People First database is only one database that houses employee information. To assist employees who are entitled to request that their statutorily protected information not be disclosed by *other* records custodians, JAC has prepared a *sample* letter, the text and format of which employees may use. The letter should be put on personal or agency letterhead and tailored to identify the statutory section under which the employee falls, as well as the information that the employee is seeking to protect. Lastly, the employee should be aware that the letter to one records custodian will not serve as a blanket request to other records custodians. Accordingly, in order to preserve the exempt status of their data, employees will have to make separate requests to each record custodian in possession of their data.

Please contact me if you have any questions or concerns.

Thank you.

Attachments (2)



## Justice Administrative Commission Employee Privacy Indicator Questionnaire\*

*Florida law protects certain personal information for some positions and employees who fill those positions. Please refer to the specific statutory authority to see if you, your spouse, or your child are entitled to an exemption and which information is protected. There is no statutory exemption from public records for an employee's salary.*

*What information is protected is dependent on the statutory exemption under which the employee falls. By completing the attached questionnaire, you can determine if any of the exemptions apply to you. **Please complete, sign and date, and return the form to your Human Resources Office for processing. PLEASE CIRCLE WHETHER THE EXEMPTION APPLIES TO YOU DIRECTLY OR WHETHER YOU ARE THE SPOUSE, CHILD, OR DEPENDENT OF THE PERSON TO WHOM THE EXEMPTION ATTACHES.***

- I am, or am the spouse or child of, an active or former employee of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities. Section 119.071(4)(d)2.a., F.S.
- I am, or am the spouse or child of, an active or former employee of the Department of Revenue, or local government whose responsibilities include revenue collection and enforcement or child support enforcement. Section 119.071(4)(d)2.a., F.S.
- I am, or am the spouse or child of, an active or former sworn law enforcement employee, including a correctional officer or a correctional probation officer. Section 119.071(4)(d)2.a., F.S.
- I am, or am the spouse or child of, a firefighter certified in compliance with s. 633.35, F.S. Section 119.071(4)(d)2.b., F.S.
- I am, or am the spouse or child of, an active or former justice of the Supreme Court, district court of appeal judge, circuit court judge, or county court judge. Section 119.071(4)(d)2.c., F.S.
- I am, or am the spouse or child of, an active or former state attorney, assistant state attorney, statewide prosecutor, or assistant statewide prosecutor. Section 119.071(4)(d)2.d., F.S.
- \*\* I am, or am the spouse or child of, a general magistrate, special magistrate, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, or child support enforcement hearing officers. Section 119.071(4)(d)2.e., F.S.
- I am, or am the spouse or child of, an active or former human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager of any *local* government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties. Section 119.071(4)(d)2.f., F.S.
- I am, or am the spouse or child of, an active or former code enforcement officer. Section 119.071(4)(d)2.g., F.S.
- \*\* I am, or am the spouse or child of, an active or former guardian ad litem, as defined in s. 39.820, F.S. Section 119.071(4)(d)2.h., F.S.
- I am, or am the spouse or child of, an active or former juvenile probation officer, juvenile probation supervisor, detention superintendent, assistant detention superintendent, senior juvenile detention officer, juvenile detention officer supervisor, juvenile detention officer, house parent I or II, house parent supervisor, group treatment leader, group treatment leader supervisor, rehabilitation therapist, or social services counselor of the Department of Juvenile Justice. Section 119.071(4)(d)2.i., F.S.

- I am, or am the spouse or child of, an active or former public defender, assistant public defender, criminal conflict and civil regional counsel, or assistant criminal conflict and civil regional counsel. Section 119.071(4)(d)2.j., F.S.
- \*\* I am, or am the spouse or child of, an active or former investigator or inspector of the Department of Business and Professional Regulation. Section 119.071(4)(d)2.k., F.S.
- \*\* I am, or am the spouse or child of, a county tax collector. Section 119.071(4)(d)2.l., F.S.
- \*\* I am, or am the spouse or child of, an active or former employee of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health. Section 119.071(4)(d)2.m., F.S.
- \*\* I am, or am the spouse or child of, an active or former employee of the Department of Health whose duties are to support the investigation of child abuse or neglect. Section 119.071(4)(d)2.a.(1), F.S.
- I am, or am the spouse or child of, an active or former impaired practitioner consultant retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession. Section 119.071(4)(d)2.n., F.S.
- I am, or am the spouse or child of, an active or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline. Section 119.071(4)(d) 2.o, F.S.
- \*\* I am, or am the spouse or child of, an active or former United States attorney, assistant United States attorney, judge of a United States Courts of Appeal, United States district judge, or United States magistrate judge. Section 119.071(5)(i), F.S.
- \*\* I am, or am the spouse or dependent of, a current or former member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001. Section 119.071(5)(k) 2., F.S.
- I DO NOT qualify for any of the exemptions above at this time.

*\*\* Requires the individual to provide a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.*

If you checked one or more of the boxes above but you want your information published anyway, sign your name here:

\_\_\_\_\_

**I certify the above information is true and correct to the best of my knowledge.**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

\* If you are a victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence, you may request in writing that your home or employment telephone number, home or employment address, or personal assets be exempt from disclosure. The request must be in writing and the exemption will terminate 5 years after the receipt of the request. You must include official verification that an applicable crime has occurred. [see s. 119.071(j), F.S.]



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*Public Defender*

Date

Commission on Ethics  
P. O. Drawer 15709  
Tallahassee, FL 32317-5709

To Whom It May Concern:

I am a former or current XXXXXXXXXXXXXXXX. As such, pursuant to s.119.071XXXX, F.S., the following personal information is exempt from public disclosure: XXXXXXXXXXXXXXXX.

Please be advised that consistent with Florida Statutes referenced above, I am requesting that the Florida Commission on Ethics not disclose my personal information (and that of my spouse and children, if appropriate) without my permission unless otherwise required by law.

Thank you in advance for your cooperation in this regard.

Sincerely,

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