



THE STATE OF FLORIDA
JUSTICE ADMINISTRATIVE COMMISSION

Post Office Box 1654 (32302)
227 North Bronough Street, Suite 2100
Tallahassee, Florida 32301



Alton L. "Rip" Colvin, Jr.
Executive Director

(850) 488-2415
FAX (850) 488-8944

www.justiceadmin.org

COMMISSIONERS

Brad King, Chair
State Attorney
Diamond R. Litty
Public Defender
Jerry Hill
State Attorney
Kathleen A. Smith
Public Defender

MEMORANDUM 027-15HR

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

DATE: July 1, 2015

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. For the purposes of employees under Justice Administration, the majority of employees entitled to have certain information exempted from public records requests are designated attorneys, sworn or certified law enforcement officers, the spouses and children of designated employees, and effective June 2, 2015, a particular class of military servicemembers.

New Public Record Exemption for Servicemembers



This year, the Legislature amended Chapter 119, F.S., to allow servicemembers to request that certain identification and location information of theirs (and that of their spouse and dependents), be protected from disclosure. (Ch. 2015-86, L.O.F.) **“Servicemember” is defined as 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.”**

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](#)). 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 and reformatted and is posted on JAC's website under "Forms".

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)



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Public Defender

Date

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

To Whom It May Concern:

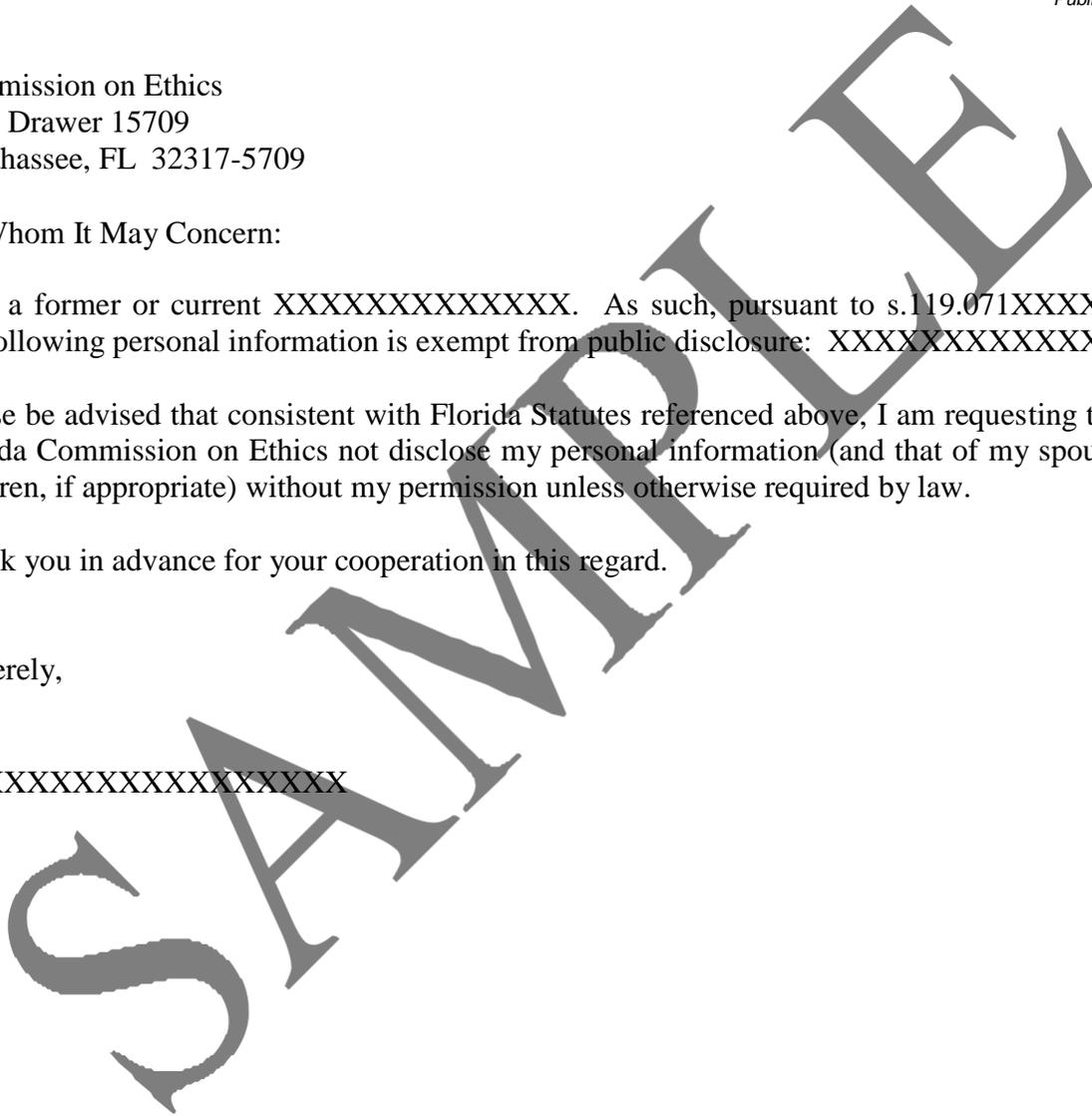
I am a former or current XXXXXXXXXXXXXXXX. As such, pursuant to s.119.071XXXX, F.S., the following personal information is exempt from public disclosure: XXXXXXXXXXXXXXXX.

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,

XXXXXXXXXXXXXXXXXXXXX





Justice Administrative Commission Employee Privacy Indicator Questionnaire *

Florida law protects certain personal information for some positions and employees who fill those positions. For the purposes of the Justice Administrative Commission, the majority of employees entitled to have certain information exempted from public records requests are designated attorneys, sworn or certified law enforcement officers, and the spouses and children of designated employees. Please refer to 119.071(4), F.S. to see if you, your spouse or child are entitled to an exemption. These exemptions include home address, date of birth, telephone numbers, work location address, photos, and names and locations of schools and day care facilities. 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.**

- 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.
- I am, or am the spouse or child of, an active or former state attorney, assistant state attorney, statewide prosecutor, assistant statewide prosecutor, public defender, assistant public defender, criminal conflict and civil regional counsel, or assistant criminal conflict and civil regional counsel.
- 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.
- 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.
- I am, or am the spouse or child of, an active or former firefighter certified in compliance with s. 633.35, 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.
- 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.
- 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.
- I am, or am the spouse or child of, an active or former United States attorney or assistant United States attorney.
- I am, or am the spouse or child of, an active or former judge of a United States Courts of Appeal, United States district judge, or United States magistrate judge.
- I am, or am the spouse or child of, an active or former code enforcement officer.
- I am, or am the spouse or child of, an active or former guardian ad litem, as defined in s. 39.820, 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.

- 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.
- I DO NOT qualify for any of the exemptions above at this time.

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.]