

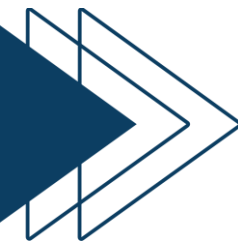
MARTIN COUNTY

PUBLIC RECORDS PROGRAM UPDATE



Martin County Board of County Commissioners





OVERVIEW

The public records program was formed 10 years ago to:

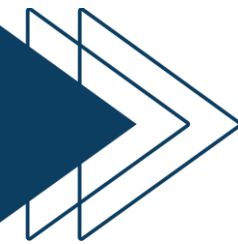
- Better understand and manage the public records requests being made to the county.
- Establish a clear procedure for managing public records.

PURPOSE: To make public records litigation cases more defensible by the county.



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ACCOMPLISHMENTS

The team does more than simply collecting records for release.

Since the inception of the public records program, we have:

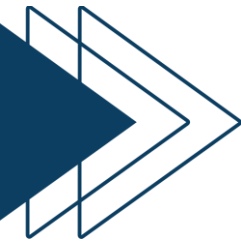
- Centralized the public records request process throughout the BOCC
- Implemented several public records training programs for all employees, commissioners, and board and committee members
- Implemented procedures related to security records and cooperation with law enforcement and other constitutional offices
- Implemented procedures related to providing exempt or confidential information to contractors working on behalf of the BOCC
- Implemented the confidential persons program that keeps a running database of all residents across the county who have claimed an exemption from public records to ensure this information is not released

FUTURE GOAL: There are currently plans to incorporate a Public Records presentation into CARES classes to provide residents with information about the public records process and applicable legal requirements. The presentation is intended to address misconceptions and promote public understanding through education.



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DEVELOPMENT AND PROGRESSION

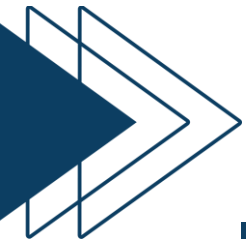
Additional duties and responsibilities include:

- **Email searches (both for public records and litigation)**
- **Social media searches**
- **Researching and advising on the proper retention and disposition of records for all departments within the BOCC**
 - **This includes files kept electronically, as well as paper files**
- **Working with BOCC contractors who are providing services on behalf of the County to ensure they are keeping BOCC records for the time-period required by the Department of State**
- **Working on the dispositioning of emails that have met the retention period in the email system**



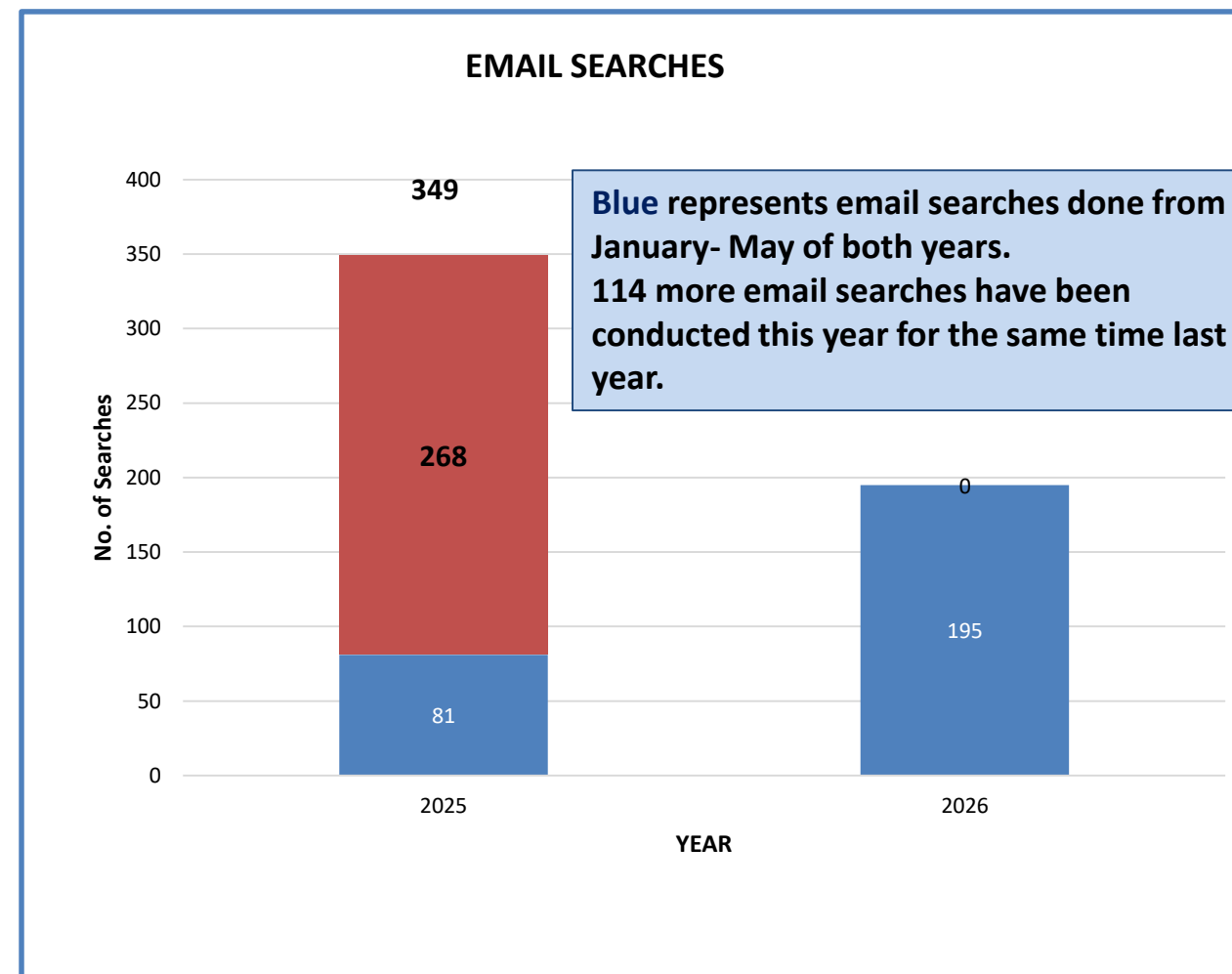
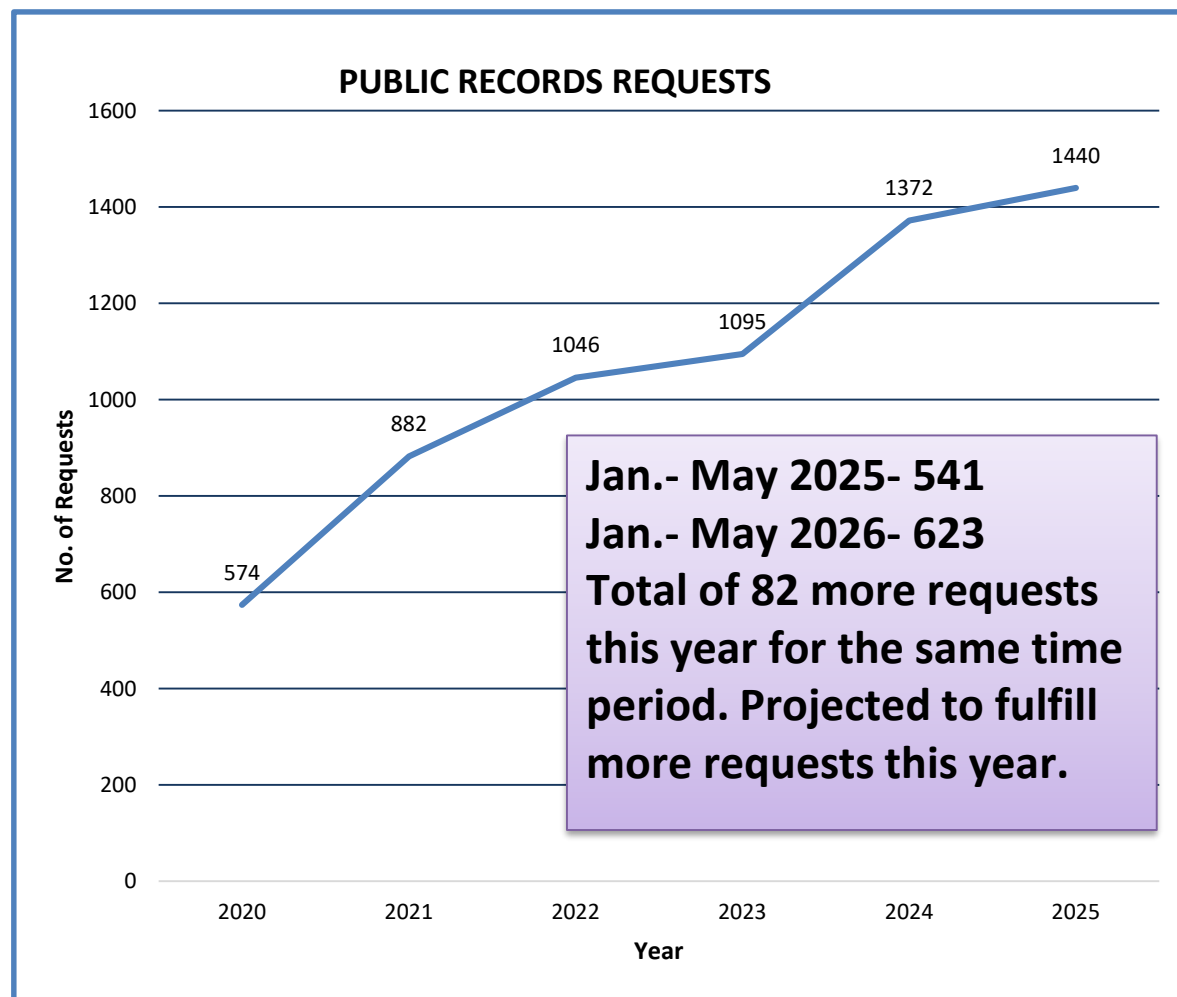
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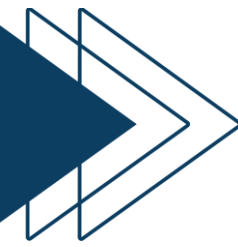




DEVELOPMENT AND PROGRESS

As the public has become more familiar with the public records process, the County has experienced a steady increase in public records requests. This increased activity has also resulted in a corresponding rise in email searches conducted to respond to public records requests and support litigation-related matters.





DEVELOPMENT AND PROGRESS

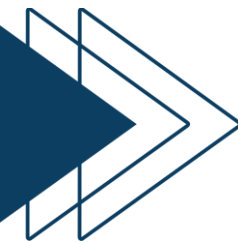
Most of the requests now received are more complex and voluminous in nature:

- A substantial number of these requests are from law offices that are now using the public records request process to litigate their cases to get information they wouldn't normally get through the discovery process
- The Public Records Division must review every document for exempt or confidential information before they are released
- There are currently over 1000 exemptions from the mandatory disclosure provisions of the public records law; exemptions are consistently being added or expiring, which we need to know to ensure we are complying with the law
- All requests must be responded to within a reasonable time



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EXAMPLES

For some context, a few examples are outlined below:

- Currently, the team is reviewing over 120 open requests, where one request produced over 34,600 responsive records, along with 5,746 emails that are being reviewed for exempt or confidential information; this one request is estimated to take 230 hours to accomplish.
- Additionally, there are those requests that are not voluminous, but they are heavy on review and redaction, as most of the information is exempt and needs to be redacted.
 - Example: Request was received for an internet history search, servers used, IP addresses, and equipment used. Other exempt information includes life safety and security plans for both public and private businesses and residences in building records, exempt names, addresses, and parcel ID numbers on all records, HIPAA information, etc.



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RESULTS

It should be noted that since the program has been implemented, the BOCC has not been involved in a public records lawsuit.

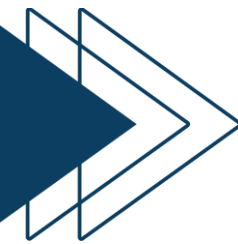
In addition, the BOCC is in a significantly improved position since the implementation of the public records program as public records cases, if filed, are now more defensible by the Legal Department.

The BOCC is at the forefront of identifying and putting procedures in place to protect the County. Along with staying informed on new laws, we also keep up with new public records litigation that are filed in the State.



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Summary

With the successful development and implementation of the Public Records Program, it has become an integral component of the Board of County Commissioners' operations and has experienced substantial growth over the past ten years. As the program has evolved, the County has experienced increased public records requests, a greater volume of email searches, longer review times, and more complex request types. Additionally, the program has assumed responsibility for the implementation of various public records initiatives and training programs, as well as expanded records management duties and responsibilities. These increasing demands have significantly expanded the scope and workload of the program.

The Public Records Division currently has an average of 100 open requests each week that need to be entered, confirmed, invoiced and reviewed within a reasonable time as required per law, compared to having an average of 40 open requests two years ago.

In summary, we have made solid progress and remain focused on executing our priorities. Thank you for your attention and continued confidence.



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QUESTIONS?



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