**Board of County Commissioners**
**County Internal Auditor's Office**

# PUBLIC RECORDS REQUEST BUSINESS PROCESS

**Audit Report # IA-18-03**
**August 15, 2018**

**TO:** Board of County Commissioners

**FROM:** Peggy Caskey, County Internal Auditor

**DATE:** August 15, 2018

**SUBJECT:** Public Records Request Business Process, Audit Report #IA-18-03

The Audit Team performed an audit of the public records request business process. Response to the Audit Team's recommendations was received from Mary Helen Farris, General Council. Management's response follows the opportunities for improvement and recommendations.

The purpose of this Report is to provide management independent, objective analysis, recommendations, counsel, and information concerning the activities reviewed. As such, this Report is not an appraisal or rating of management.

Although the Audit Team exercised due professional care in the performance of this audit, this should not be construed to mean that unreported noncompliance or irregularities do not exist. The deterrence of fraud and/or employee abuse is the responsibility of management. Audit procedures alone, even when carried out with professional care, do not guarantee that fraud or abuse will be detected.

I appreciate the cooperation and professional courtesies extended to the Audit Team. The County Administrator gave the Audit Team full, free, and unrestricted access to all applicable activities, records, and personnel necessary to accomplish the stated objective of this audit engagement. Personnel also provided necessary assistance for the Audit Team to effectively perform the audit in an efficient manner.

Sincerely,

Peggy Caskey, CIA, CISA, CFE
County Internal Auditor

CC: Dexter Barge, Assistant County Administrator
Christine Beck, County Attorney
Mary Helen Farris, General Counsel
Greg Horwedel, Deputy County Administrator
Dennis Jones, Fire Chief
Mike Merrill, County Administrator
Scott Trebatoski, Pet Resources Director
Beverly Waldron, Human Resources Director
Bonnie Wise, Chief Financial Administrator

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## EXECUTIVE SUMMARY

Florida Statutes, Chapter 119, guide the public records law in Florida. Many state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency within Florida. The County Attorney's Office has created guidelines that outline allowable fees and when a legal review is required.

The public records request business process is performed inconsistently under the County Administrator. There are no organizationwide standard operating procedures for the public records request business process detailing redaction requirements, legal review requirements, fee calculation and collection, completion timeliness goals, and tracking and maintenance of requests and responsive records.

Organizationwide standard operating procedures, along with proper training, could increase efficiency and effectiveness by clearly communicating roles and responsibilities to employees. It could also help ensure that the public is provided consistent customer service throughout the County.

## OVERALL OPINION

Although certain organizationwide standard operating procedures for the public records request business process are not yet well formalized, defined and documented, there appears to be an existence of some overall procedural awareness. The recommendations in this Report are designed to further strengthen and mature the process from a repeatable level to a formal or defined level (from 2 to a 3 out of a possible 5).

The exit conference was held on June 29, 2018.

Other minor concerns not included in this Report were communicated to management and/or corrected during fieldwork.

## AUDITED BY

Peggy Caskey, CIA, CISA, CFE, County Internal Auditor
Melinda Jenzarli, CIA, CISA, CFE, CPA, MBA, Lead Internal Auditor
Anne Mullett, MBA, CPA (Ohio), CIA, Senior Internal Auditor

**OBJECTIVE**

Identify challenges and recommend enhancements to achieve economy, efficiency, and effectiveness in the employment of available resources within the public records request business process.

**SCOPE**

The audit scope was limited to the public records request business process activities from January 1, 2017, to January 31, 2018. The Audit Team reviewed the public records request business process procedures, timeliness standards, customer details, and legal actions against the County Administrator. Additionally, the Audit Team performed benchmarking activities against local municipalities in the State of Florida to identify opportunities for improvement.

**APPROACH**

The Audit Team interviewed dedicated record employees from Human Resources, County Administration, Pet Resources Center, Fire Rescue, Board of County Commissioners, and the County Attorney's Office. These business functions processed the majority and most complex public records requested during calendar year 2017. The Audit Team also performed analytical procedures to determine if public records requests are processed promptly and included the necessary details from the customer to promptly fulfill the request in accordance with the County's customer response initiatives.

The audit was conducted in conformance with the International Standards for the Professional Practice of Internal Auditing. These Standards require that the County Internal Auditor's Office plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the audit comments and conclusions based on the audit objectives. The County Internal Auditor believes that the evidence obtained provides this reasonable basis.

# OPPORTUNITIES FOR IMPROVEMENT & RECOMMENDATIONS

# PUBLIC RECORDS REQUEST BUSINESS PROCESS

## BACKGROUND INFORMATION

Florida Statutes, Chapter 119.07(1)(c), states that a custodian of public records must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith making reasonable efforts. Florida Statutes section 119.10(1)(a), states that, any public officer who violates any provision of this Chapter commits a noncriminal infraction, punishable by fine not exceeding $500. Additionally, per Florida Statutes section 119.12(1)(a), if a civil action is filed against an agency to enforce the provisions of this Chapter, the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if the court determines that the agency unlawfully refused to permit a public record to be inspected or copied.

The Public Records Requests Board Policy, section number 01.16.01.01, was created in April 2011 for the processing of public records requests, and setting out the procedures for responding to requests to Commissioners for written or electronic documents. This Policy provided that the County Administrator will be responsible for implementing and providing training on the public records request business process to all departments under the County Administrator.

In conjunction with the Board Policy, the County Attorney's Office, in a collaborative effort with departments under the County Administrator, created a set of informal public records request guidelines to ensure proper costs for materials and supplies are charged; and explain what type of requests require a legal review by the County Attorney's Office.

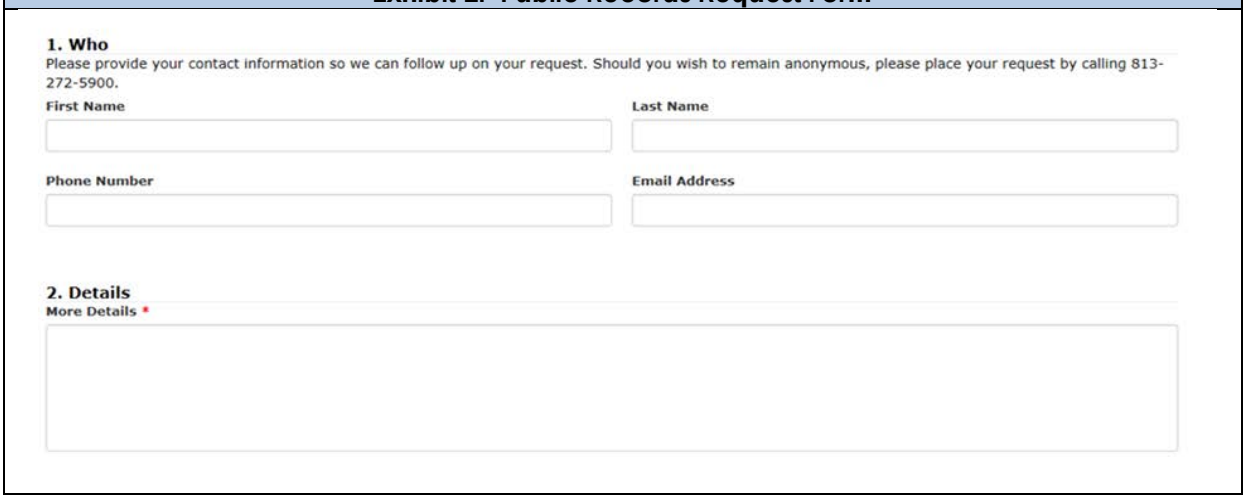
The Customer Relationship Management (CRM) System was implemented in April 2015. It maintains service requests such as public records, code violation, trash, park, road, or flooding. Requests are entered into the CRM System directly by a customer through the Hillsborough County At Your Service website or by an employee when a request is received by email, letter, phone call, fax, or in person.

In early 2018, the County Attorney's Office began working with the Information and Innovative Office to create a repository of completed public records requests to assist employees with locating them.

## PUBLIC RECORDS REQUEST BUSINESS PROCESS

A customer can make a public records request via phone call, email, in person or on the Hillsborough County's At Your Service website. If the customer makes the public records request to an employee, the employee has the ability to enter the request into the internal CRM System. If the customer enters the public records request into the website he/she can enter his/her contact information and the details of the public records request. The Public Records Request Form is shown in Exhibit 1.

**Exhibit 1: Public Records Request Form**



**1. Who**

Please provide your contact information so we can follow up on your request. Should you wish to remain anonymous, please place your request by calling 813-272-5900.

First Name

Last Name

Phone Number

Email Address

**2. Details**

More Details *

*Source: https://service.hillsboroughcounty.org/311/public-records/*

The County Attorney's Office is responsible for complex requests. Other public records requests in the CRM System are routed to the responsible department. The responsible department acknowledges the customer and begins gathering the requested records. Materials and service fees can be charged when labor is extensive.

Once the records are gathered, the responsible department will either send the records to the County Attorney's Office for a legal review, or release the records to the customer following collection of any applicable fees. If the records require a legal review, the County Attorney's Office will perform any exemption or confidentiality redactions and collection of any applicable fees prior to providing the records to the customer or send the records back to the responsible department for release.

**DISCUSSION**

Interviews with dedicated record employees disclosed that the public records request business process is inconsistent organizationwide. Departments interviewed created their own set of written or oral standard operating procedures. Some departments were following their own timeliness goals, unclear on the legal review requirements, and were completing redactions, while others are sending the documents to the County Attorney's Office for redactions, not charging labor and material fees regardless of the extensiveness of the request, and following their own methods for tracking and maintaining requests and responsive records. While some departments have requested and received department specific training from the County Attorney's Office over the last few years, the County Attorney's Office has not offered organizationwide training other than the initial training that was offered when the CRM System was introduced in 2015.

The Audit Team reviewed the standard operating procedures created by Human Resources as it relates to fee calculation and collection and determined that the steps outlined could be used as a basis for creating organizationwide standard operating procedures. The County Attorney's Office created guidelines that outline allowable fees under Florida Statutes, 119.07(4), and when a legal review is required, however, the guidelines have not been communicated organizationwide. The information provided in these guidelines could be used as a basis for creating organizationwide standard operating procedures.

There are no set organizationwide timeliness standards for acknowledgment and completion of public records requests. The Audit Team summarized the results of its timeliness analysis in Exhibit

2. Figures in Exhibit 2 include public records requests from the CRM System opened during the specified time frames. Completed calculations include only those public records requests from the CRM System with closed dates as of January 31, 2018.

| Exhibit 2: Timeliness of Public Records Requests | | | |
|---|---|---|---|
| **Public Records Requests January 1, 2017 through December 31, 2017** | | **Public Records Requests October 1, 2017 through December 31, 2017** | |
| Average Days | 13 | Average Days | 8 |
| Total with Closed Date | 1560 | Total with Closed Date | 480 |
| Completed <= 13 days | 1241 | Completed <= 8 days | 374 |
| Completed >= 30 days | 161 | Completed >= 30 days | 34 |
| Percentage Closed <=13 Days | 80% | Percentage Closed <=8 Days | 78% |
| Percentage Closed >=30 Days | 10% | Percentage Closed >=30 Days | 7% |

- During calendar year 2017, it took the County an average of 13 days from creation to closing for public records requests in the CRM System. Approximately 80% of public records requests in the CRM System were completed within 13 days.

- During October 1, 2017, through December 31, 2017, it took the County an average of eight days from creation to closing for public records requests in the CRM System. Approximately 78% of public records requests in the CRM System were completed within 8 days.

- During October 1, 2017, through December 31, 2017, 15% of the 34 public records requests that took more than 30 days to close, required personnel to request clarification or additional details from the customer. Dedicated record employees stated that, generally they receive sufficient details to fulfill a request however, occasionally, follow-up is necessary.

The Audit Team inquired about any lawsuits or fines related to the public records request business process assessed against the County Administrator in calendar year 2017. Per the County Attorney's Office, there were no Florida Statutes, section 119 related lawsuits or fines assessed against the County during calendar year 2017.

The Audit Team performed a benchmark survey of counties in the State of Florida to identify opportunities for improvement. The benchmarking survey disclosed that similar to Hillsborough County, generally, counties benchmarked do not have defined acknowledgement or completion standards. This is primarily due to the different types of public records requests received requiring a varying amount of time to gather the requested documents or information. None of the six counties benchmarked, post responsive records for public view. See Exhibit 3 below for the benchmarking results.

| Exhibit 3: Benchmarking State of Florida Counties | | | | |
|---|---|---|---|---|
| **County** | **Process Owner** | **Acknowledgement Standards** | **Completion Standards** | **Software or Application** |
| **Broward** | Office of Public Communications | Same or Next Business Day | No Defined Standard | Service Desk Express |
| **Columbia** | Columbia County BOCC | No Later than Two Days from Receipt | No Defined Standard | Internally Developed Application |
| **Hillsborough** | County Attorney's Office | No Defined Standard | No Defined Standard | Customer Relationship Management System |
| **Manatee** | County Records Division | Immediate Auto System Response | Same Day to Within Five Days if Complex | Comcate |
| **Palm Beach** | Public Affairs | Same Business Day | No Defined Standard | Internally Developed Application |
| **Polk** | Records Management Section | Upon Receipt | 10 Calendar Days | Internally Developed Application |
| **Seminole** | County Manager's Office | No Defined Standard | No Defined Standard | SharePoint Application |

Broward County has a public records request user guide and a frequently asked questions document. Broward County has a well-defined user guide that could be used by Hillsborough County when creating the standard operating procedures for public records requests.

**OPPORTUNITES FOR IMPROVEMENT**

The public records request business process is performed inconsistently organizationwide. There are no organizationwide standard operating procedures for the public records request business process detailing redaction requirements, legal review requirements, fee calculation and collection, completion timeliness goals, and tracking and maintenance of requests and responsive records. There is also no systematic training. In addition, labor and material fees are not consistently charged by the departments when applicable.

Organizationwide standard operating procedures, along with proper training, could increase efficiency and effectiveness by clearly communicating roles and responsibilities to employees. It could also help ensure that the public is provided consistent customer service throughout the County.

The Audit Team's public records request timeliness analysis did not disclose any material concerns. However, without quantitative timeliness standards in place, the Audit Team was unable to determine if the County's personnel acted promptly in accordance with the County's customer response initiatives. Written timeliness goals for acknowledgement and completion could help ensure the public is provided consistent customer service organizationwide.

While the "Details" section is a required field when a customer enters a public record request into the Hillsborough County At Your Service website and the internal CRM, it is an open text field that can contain as little or as much detail as the customer enters into it. It does not provide suggestions for details. For example, type of desired records, date range, or case number. Adding suggestions for detail could decrease the fulfillment lag time.

**RECOMMENDATIONS**

Consideration should be given to creating and distributing standard operating procedures for the public records request business process, to include redaction requirements, legal review requirements, fee calculation and collection, completion timeliness goals, and tracking and maintenance of requests and responsive records. Systematic training of all dedicated records employees should be based on these standard operating procedures.

Consideration should be given to written organizationwide priority level timeliness goals for the number of days to acknowledge a request and for closing a request.

Consideration should be given to adding detail suggestions, type of desired records, date range, or case number, to the website and the internal CRM System for public records requests.

**MANAGEMENT RESPONSE**

The Managing Agency agrees with these recommendations. Standard operating procedures for the public records request business process will be drafted and distributed which will outline the proper procedures in responding to requests, when a request needs legal review, when redactions are required and how to properly redact a document and completion timelines (including timeliness goals for the number of days to acknowledging and closing our public records requests.

Further, training will be scheduled to ensure that all staff involved in responding to public records requests will have adequate knowledge of the substance of public records law and correct procedures.

Add information such as types of records that can be requested, include date ranges and other helpful information to the County's website.

**TARGET COMPLETION DATE**

February 2019