

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:		
BOR-002	PUBLIC RECORDS REQUEST PROCEDURES for DAVID SYSTEM		
DESCRIPTION AND USE:			
<p><u>THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST DHSMV EMPLOYEES IN FULLFILLING NON-LAW ENFORCEMENT PUBLIC RECORDS REQUESTS OF THE DAVID SYSTEM WHEN REQUESTING ASSISTANCE/CLEARANCE FROM OUTSIDE AGENCY.</u></p>			
<p>I. GENERAL INFORMATION:</p> <p>Request for information which is considered Public Records Information by Non-Law Enforcement personnel.</p> <p><u>Exempt Records</u> - Those public records that have been identified in Florida Statutes as exempt from public inspection.</p> <p><u>Extensive Use</u> - Any public records request that requires more than thirty minutes of department resource time to fulfill.</p> <p><u>Redact</u> - To remove or conceal from a copy of an original public record, or to remove or conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information</p> <p><u>Fast Track Requests</u> – Fast Track Requests are requests that come in and are determined will take minimum effort to fulfill. Non Fast Track Request is when a request involves extensive use of a member’s time, more than one agency/division’s response, or is a complicated request.</p> <p><u>Encrypted E-mail</u> – Encrypted electronic mail used to convey secure information.</p>			
BUREAU CHIEF	EFFECTIVE DATE	REVISION DATE	PAGE #
	8/24/2012		BOR-02-01

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II. PROCEDURES

The Bureau of Records will be responsible for complying with public records request and with the department's rules, regulations and policies.

The Bureau of Records shall be responsible for handling and responding to public records requests for which that office or division is the custodian.

The Bureau of Records are to make sure that if an exemption applies to a part of a record requested, that portion of the record to which the exemption applies is redacted.

Upon receipt of a public records request, the Bureau of Records or their designee shall acknowledge receipt within two business days.

The Bureau of Records will determine if request meet Fast Track criteria and can be handled with minimum effort and time, and proceed in fulfilling the request as soon as possible.

If the request does not meet Fast Track status, the Bureau of Records will take the following steps to obtain records request information.

The Bureau of Records, using the procedure described below, will contact the Point of Contact of any affected law enforcement agency prior to releasing information related to the access of records through Driver and Vehicle Information Database (DAVID). If a law enforcement agency has accessed records through DAVID and indicates that the information related to the access of these records is exempt due to:

1. An active investigation under Sec. 119.071(2)(c), F.S.;
2. Involvement of undercover personnel under Sec. 119.071(4)(c), F.S.;
3. Surveillance techniques or procedures or personnel under Sec. 119.071(2)(d), F.S.; or
4. Any other applicable exemption allowed by law, the department will not release the information.

If the information is not exempt from release, the department will release the requested information after taking the following steps:

1. Send email to DAVID Digital Certificate Coordinator (DCC) or Point of Contact (POC) with return receipt and delivery receipt email option activated. The Bureau of Records will wait five (5) business days for a response. (See attachment for email verbiage to be used)
2. If no response or return/delivery receipt received then call and send email to Agency Head (Sheriff, Tax Collector, MOU Signature, Chief, etc..) or their designee, convey message of department statement regarding release of information in three (3) business days.
If no response in three (3) business days, The Bureau of Records is free to release Public Records request information, upon receipt of appropriate department designee signatures.

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III. NOTES/EXCEPTIONS:

If law enforcement agency requires additional time to fulfill requests, an additional five (5) business days may be granted at the discretion of the Bureau of Records.

Issues which cannot be readily resolved shall be elevated to Supervisory level or above.

A return receipt or delivery receipt will serve as notification to the outside agency and will trigger authorization to release information if a hold in not placed on release.

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This signature page shall serve as documentation that appropriate department staff have authorized the release of information and due diligence occurred prior to the release of information. The release of this information is to satisfy a Public Records request.

This signature page is required when an associated agency has not confirmed or disclaimed the activity of an open investigation or disclosed any cause which would prohibit the release of information.

DHSMV attempted to contact the following individual(s) and agency(ies):

In an effort to obtain permission to release data to satisfy public records request

Immediate Supervisor (Print Name)

Immediate Supervisor (Signature)

Date

Program Manager (Print Name)

Program Manager (Signature)

Date

Bureau Chief (Print Name)

Bureau Chief (Signature)

Date

All signatures are required unless otherwise noted.

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Verbiage to use when sending email notification requesting assistance....

Failure to respond to this request may result in the release of this information.