

Public Records Policy Compliance Audit

December 13, 2022



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Public Records Policy Compliance Audit

Executive Summary

What We Did

We performed a compliance audit and review of internal controls around the management of the City of Gainesville's Public Records Policy and guidelines. The objective of this engagement was to review citywide staff compliance with the G-5 Public Records Policy, determine if requests were addressed in a timely manner, and assess the adequacy of oversight and monitoring of policies and guidelines. Specifically, we:

Governance

- Reviewed adequacy and completeness of the City's public records policy.
- Assessed adequacy of compliance with the City's public records policy.
- Reviewed controls to ensure reasonableness and accuracy of fees assessed for public records requests.
- Assessed adequacy of oversight and monitoring of compliance with the City's public records policy.
- Assessed adequacy of public records policy training.
- Reviewed controls around handling anonymous record requests and requests for records that contain confidential data.

Reporting

- Assessed adequacy of public records reporting processes.
- Benchmarked public records-related best practices with other municipalities.

IT General and/or Application Controls

- Reviewed system processes, workflows and controls around handling all public record requests.

What We Found

The following opportunities for improvement in compliance with the G-5 Public Records Policy and Guidelines were identified:

1) Policy and Oversight Need Improvement (Moderate)

Governance around the management of City public record requests needs improvement to ensure compliance with City policy and guidelines. Specifically, training is not sufficient and was not completed by all employees, and the workflow and status of public record requests is not consistently monitored.

2) Internal Controls Around Responding to Public Records Requests Need Enhancing (Moderate)

Internal controls around public records requests should be enhanced to ensure that all requests are fulfilled with accurate responsive documents, are assessed accurate fees if applicable, and are addressed in a timely manner.

We would like to thank the management and staff of the offices of the City Clerk, the City Manager, the General Manager, the City Attorney, and the Director of Equity and Inclusion for their cooperation and professionalism throughout this review.

INTRODUCTION

We conducted a compliance audit of the City's Public Records Policy, which was added to the audit plan at the March 7, 2022, Audit Committee as a result of the 2021 enterprise risk assessment and a management request by the City Clerk. The objective of this engagement was to review citywide staff compliance with the City's Public Records Policy to ensure efficient use of City resources, timely response to requests, and effective monitoring for policy compliance.

SCOPE AND METHODOLOGY

The scope of this review included an assessment of the City's compliance with the G-5 Public Records Policy (Policy) and guidelines from October 1, 2021 through September 30, 2022. The review was conducted through inquiry, observation, and substantive testing for processes in scope. Specifically, we:

Governance

- Reviewed adequacy and completeness of the City's public records policy.
- Assessed adequacy of compliance with the City's public records policy.
- Reviewed controls to ensure reasonableness and accuracy of fees assessed for public records requests.
- Assessed adequacy of oversight and monitoring of compliance with the City's public records policy.
- Assessed adequacy of public records policy training.
- Reviewed controls around handling anonymous record requests and requests for records that contain confidential data.

Reporting

- Assessed adequacy of public records reporting processes.
- Benchmarked public records-related best practices in other municipalities.

IT General and/or Application Controls

- Reviewed system processes, workflows and controls around handling all public record requests.

RESULTS AND CONCLUSION

As a result of our review, we identified two moderate risk opportunities for improvement listed in Figure 1, below. Audit issue details with management action plans are included within the *Audit Issues and Management Action Plans* section beginning on page 15.

Figure 1 - Audit Issues and Risk Ratings

AUDIT ISSUES AND RISK RATINGS		
High Risk	Moderate Risk	Low Risk
	1. Policy and Oversight Need Improvement	
	2. Internal Controls Around Responding to Public Records Requests Need Enhancing	

Audit issue details with management action plan are included within the *Audit Issues and Management Action Plans* section beginning on page 16.

- **High Risk:** Key controls do not exist or are not effective, resulting in an impaired control environment. High-Risk control weaknesses require immediate corrective action detailed in the management action plan.
- **Moderate Risk:** Adequate control environment exists for most processes. Moderate risk control weaknesses require corrective action detailed in the management action plan.
- **Low Risk:** Satisfactory overall control environment with a small number of low-risk control improvement opportunities that do not require corrective action or a management action plan.

We would like to thank the management and staff of the offices of the City Clerk, the City Manager, the General Manager, the City Attorney, and the Director of Equity and Inclusion for their cooperation and professionalism throughout this review.

GOVERNMENT AUDITING STANDARDS COMPLIANCE

We conducted this audit engagement in accordance with *Generally Accepted Government Auditing Standards* and the *International Standards for the Professional Practice of Internal Auditing*. Those standards require that we plan and perform the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our audit objectives.

INTERNAL AUDIT TEAM

Ginger Bigbie, CPA, CFE, City Auditor
Brecka Anderson, CIA, CFE, CGAP, Interim City Auditor, Lead Auditor for this Engagement
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Diana Ferguson-Satterthwaite, FCCA, CIA, Internal Audit Manager
Peter DeMaris, Internal Auditor
Meayki Batie, Senior Executive Assistant

BACKGROUND

With the passage of Chapter 119 of the Florida Statutes, known as the “Public Records Law” in 1909, the State of Florida began its practice of transparency in governance. The law provides that any records made or received by any public agency in the course of its official business are available for inspection, unless specifically exempted by the Florida Legislature. In 1992, Article 1, Section 2(a) of the Constitution of the State of Florida was adopted and provides a constitutional guarantee to the openness of public records.

The City is responsible for retaining and providing access to public records in accordance with Florida law. Our review of risks and controls around the management of the City’s public records requests are discussed below in Section 1 - Public Record Requests Laws, Policy and Guidelines, Section 2-Public Record Requests Processes and Workflows, and Section 3-Benchmark Results.

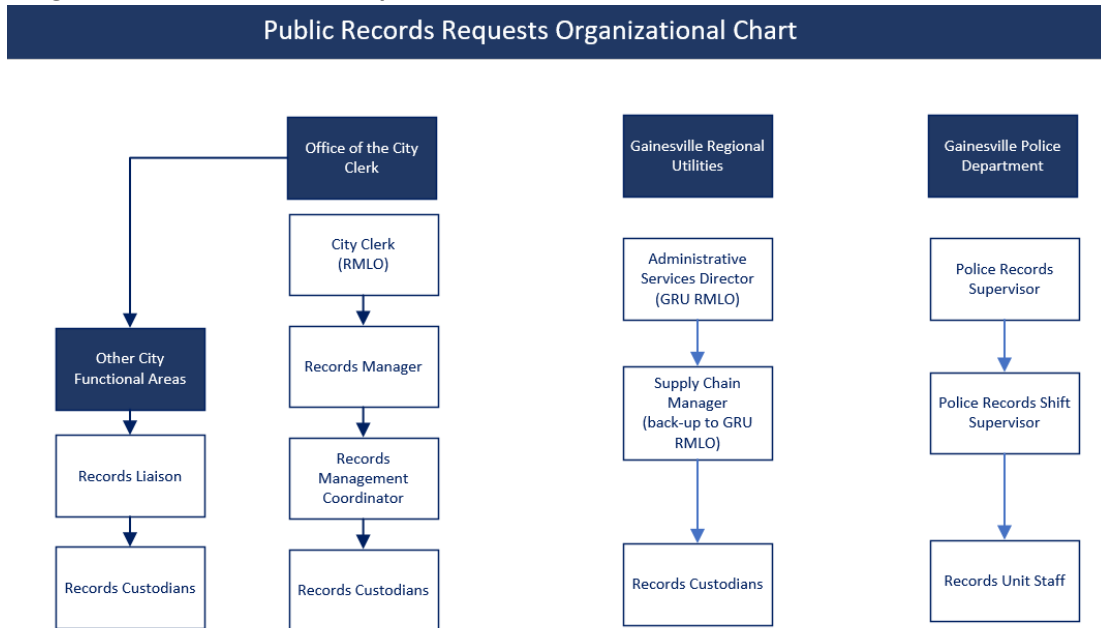
Section 1 - Public Record Requests Laws, Policy and Guidelines

Florida Statute Chapter 119, G-5 Public Records Policy, Public Records Guidelines, and Web Portal User Guide

We reviewed applicable elements of Florida Statute 119 and examined the City’s G-5 Public Records Policy and Public Record Guidelines and determined that the City adequately references applicable elements of the Statute in its Policy and Guidelines. The City adopted the G-5 Public Records Policy and the City Clerk’s Office created Guidelines to aid with managing the program. We obtained and reviewed key elements of the Public Records Policy, and the Public Records Guidelines and functional area activities were reviewed to assess compliance. Instances of noncompliance related to public records training and monitoring of public record requests identified are detailed in ***Issue 1 Policy and Oversight Need Improvement***.

Florida Statute Chapter 257.36 Records and information management, section (5)(a) requires agencies to designate one or more Records Management Liaison Officers (“RMLO”), who are responsible for coordinating the City’s response to requests for access to public records. The City Clerk is the RMLO for General Government departments and the Administrative Services Director is the RMLO for Gainesville Regional Utilities. The City’s structure of responsibilities related to handling public record requests is depicted in Figure 2.

Figure 2 – Public Records Responsibilities



JustFOIA Information System

In 2019, the City Clerk’s Office implemented an information management system (JustFOIA) for streamlining processes and workflows citywide to better manage public records requests and provide reporting capabilities. Every City employee is required to use the City’s web-based public records portal, JustFOIA, for responding to public records requests, unless otherwise directed by their respective charter officer. Many city departments utilize the JustFOIA tool for managing public record requests and workflows, with the following key exceptions:

- GRU began utilizing JustFOIA in early 2022, but mainly receives public records requests through a public records email address, mail, telephone or walk in. Most GRU requests are handled outside of JustFOIA and then loaded once requests are fulfilled.
- Most GPD requests are handled outside of JustFOIA. Requests are typically received through a public records email address, mail, telephone or walk in.
- Department staff may provide responsive documents to requestors, but not by utilizing JustFOIA.

As a result, the management and monitoring of public record requests is challenging, as detailed in **Issue 1 Policy and Oversight Need Improvement**.

The City Clerk serves as the primary administrator of the JustFOIA public records information system and maintains the JustFOIA user guide to ensure staff understands how to utilize the portal to fulfill public records requests. The City Clerk’s Office maintains an internal City public records page to share related governing documents and information as a resource to City staff fulfilling public record requests. The City Clerk’s Office also maintains a public-facing internet page that provides guidance for citizens on how to request a public record (<https://www.gainesvillefl.gov/Government-Pages/Government/City-Clerk/Public-Records-Requests>).

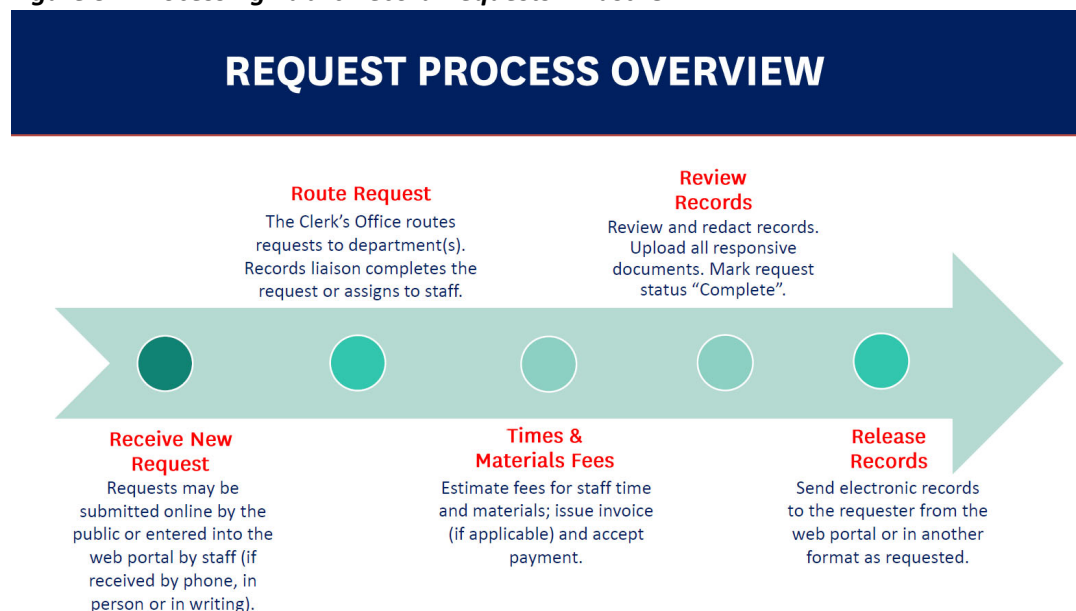
Section 2 - Public Record Request Processes and Workflows

Fulfilling Public Record Requests

A public records request may be submitted to the City by email, mail, telephone, in person, or through the JustFOIA public records portal. The request may be anonymous. Per the Public Records Guidelines and workflow, personnel should enter requests received via email, mail, telephone, or in person into JustFOIA within 24 hours or as soon as possible thereafter. There were instances where staff across the City completed public record requests outside of JustFOIA resulting in difficulty managing and tracking requests to completion, as detailed in ***Issue 2 Internal Controls Around Responding to Public Records Requests Need Enhancing.***

The process for filling public records requests in JustFOIA is depicted in Figure 3.

Figure 3 – Processing Public Record Requests in JustFOIA



Source: Public Records Web Portal User Guide

Anonymous Public Record Requests: JustFOIA allows requestors to submit requests without disclosing any identifiable information. The JustFOIA system generates a unique public record request number and a security key, which allows the requestor to access the tool online to track their request in the tool. Requestors can also submit anonymous requests by phone, email, mail, or walk in. Liaisons are required to enter and track the status of requests in JustFOIA without entering the requestor's name or other identifiable information if requested. Based on our review, processes to handle anonymous public record requests are effective.

Assessing Time & Materials Fees

If a public record request requires duplication or extensive use of personnel's time, fees may be assessed in accordance with Florida Statute Chapter 119. Currently, the rates allowable by Florida law and the Public Records Policy are noted in Figure 4, below:

Figure 4 – Public Records Request Fee Structure

Copy Type	Cost
First ten (10) paper copies	Free
Copies of not more than 14 inches by 8 1/2 inches	15 cents per page (single or double sided)
Certified copies of a public record	1 dollar per certified copy
CDs and DVDs	1 dollar per disc
For all other copies (e.g., maps or plats)	Actual cost of duplication

Staff assesses fees known as special service charges to requestors when spending more than 15 minutes to locate, review, copy, and refile records. A special service charge is determined by multiplying the hourly rate plus benefits of the lowest paid staff member in the department who can fulfill the request. Staff also charge the requestor the actual cost of mailing records, if a mailed response is requested. Staff submits an invoice estimating all charges prior to fulfilling public records requests. Our review identified instances where public record request fees were not properly assessed, account numbers were not included on the invoice, and payment was not received prior to compilation of public record requests, which are detailed in **Issue 2 Internal Controls Around Responding to Public Records Requests Need Enhancing.**

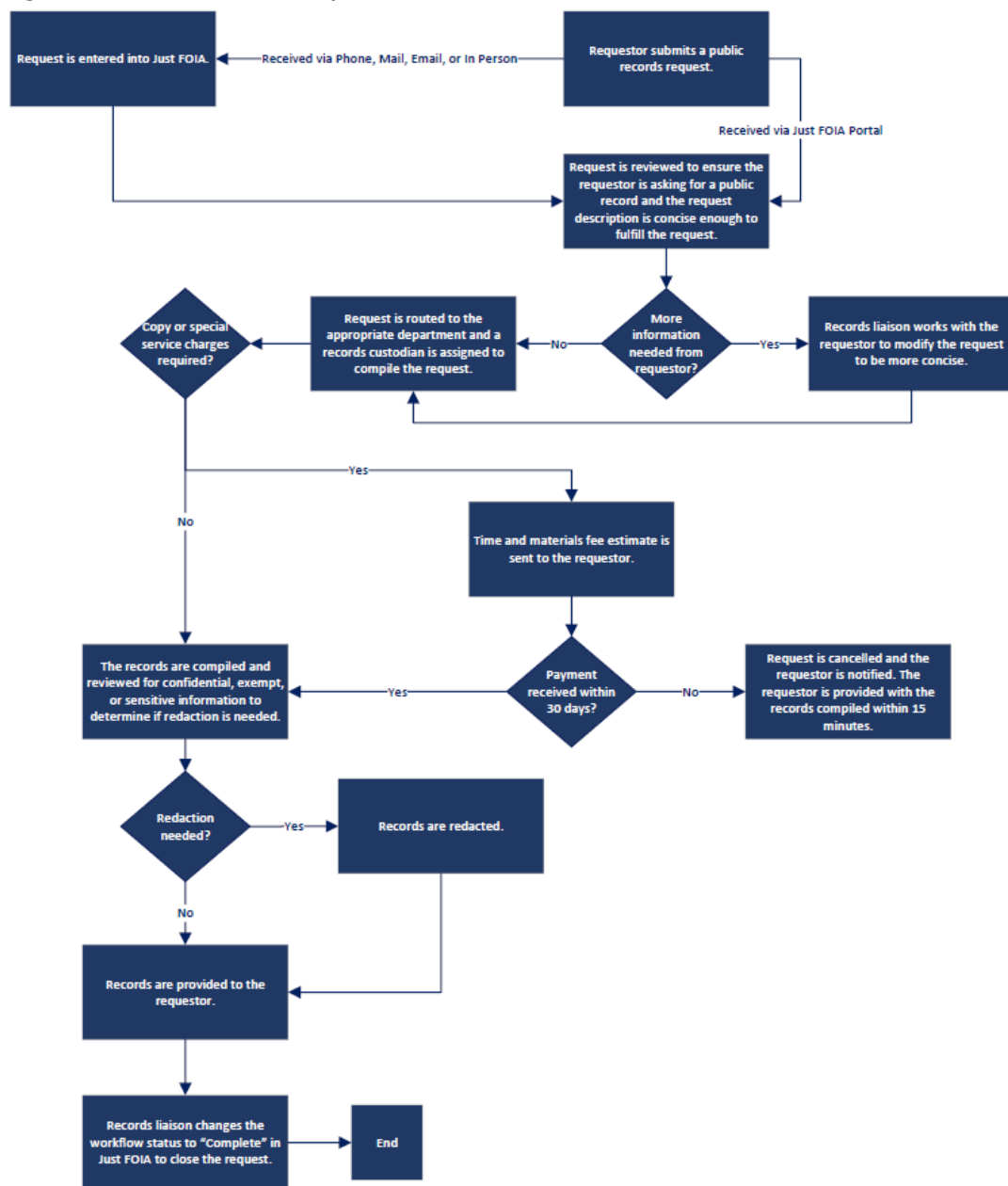
Compiling & Reviewing Records

Prior to releasing records, personnel must review the records to determine if any contents of the record are confidential or exempt from public record. Personnel must state in writing which exemptions apply and why redactions have been completed. A basic *Say Yes to Public Record Requests Training* is required for all employees. A full version of the training is required for department records liaisons. The full training did not provide sufficient guidance for liaisons for handling confidential or exempt information, as detailed in **Issue 1 Policy and Oversight Need Improvement.**

Response to Public Record Requests

The key steps in the public records request process are summarized in Figure 5.

Figure 5 – Public Records Request Process



Oversight and Monitoring

City Clerk personnel monitors JustFOIA to ensure that public record requests are completed. The City's recommended window for fulfilling a public records request is 10 business days. City Clerk personnel sends a JustFOIA reminder to the department's records liaison three-10 days after the initial request is received and when the recommended time window has passed. City Clerk staff also sends a monthly report to liaisons with the number of days public records requests have been open. Our review identified instances where monthly monitoring reports alerting staff that requests had surpassed or were approaching the recommended time window were not provided, as detailed in **Issue 1 Policy and**

Oversight Need Improvement. Based on our review, processes for intaking and routing public record requests are adequately designed; however, instances of incorrect routing of requests and untimely routing of requests were identified, as discussed in **Issue 2 Processes Around Public Record Requests Need Enhancing**.

Public Records Training

The City's Public Records Policy requires all personnel to attend training on public records. Two versions of the training are offered. The basic version is a part of new employee orientation and also serves as a refresher course for employees who previously received public records training. The full version is required for records liaisons and JustFOIA administrators. The trainings must be updated each time the Florida public records law changes. Our review identified instances where public records training was not completed by employees who were enrolled in the course, as noted in **Issue 1 Policy and Oversight Need Improvement**. See Figure 6.

Figure 6 – Completion of Public Records Training

October 2022	Basic Training Required for All Employees*	Full Training Required for Records Liaisons*
# Employees in Workday Enrolled in Course	2,340	46
# Employees Have Completed the Course	1,094	22
# Employees In Progress of Completing the Course	56	4
# Employees Who Have Not Started the Course	1,190	20
Percentage of Employees Who Have Not Completed the Assigned Course	53%	52%

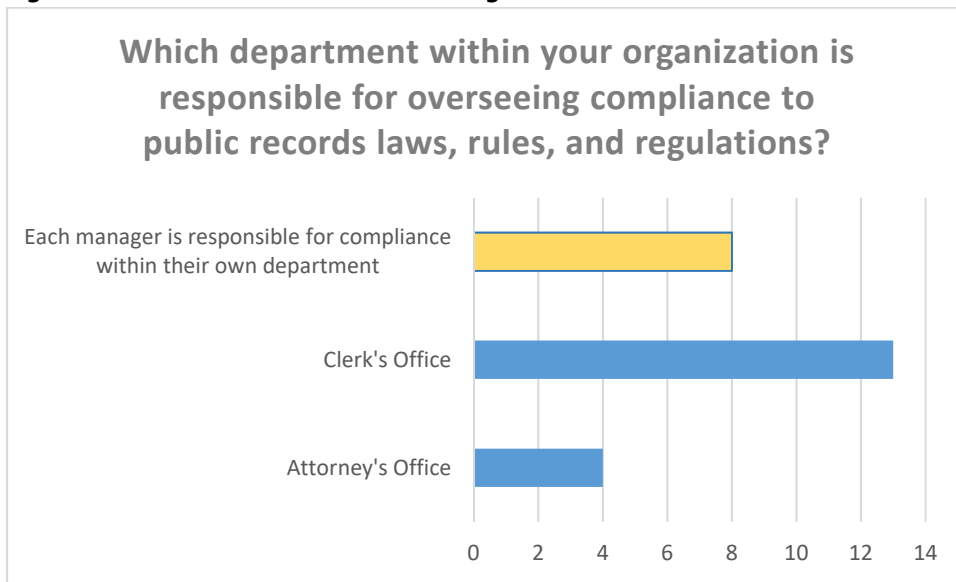
**All figures are approximate as special circumstances may impact the figures provided.*

Section 3 – Benchmark Results

The Office of the City Auditor conducted a Public Records Request Benchmarking Survey from October 20, 2022, to November 7, 2022, in order to compare policies, procedures, and practices enacted by the City of Gainesville to other local government agencies in Florida and throughout the United States to identify best practices. The survey was provided to 48 local government representatives, 25 of whom responded. Key results are highlighted below in figures 5 - 11.

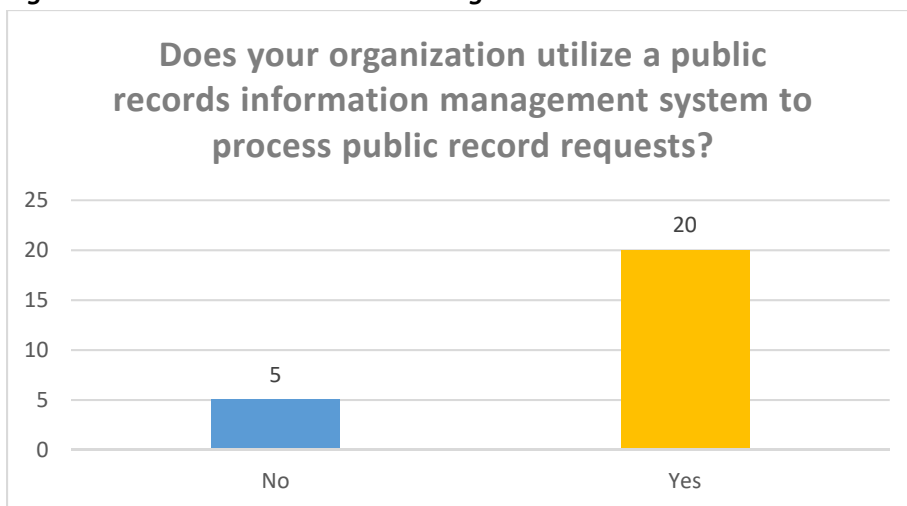
Note: The City of Gainesville's responses are highlighted.

Figures 7 – Public Records Benchmarking



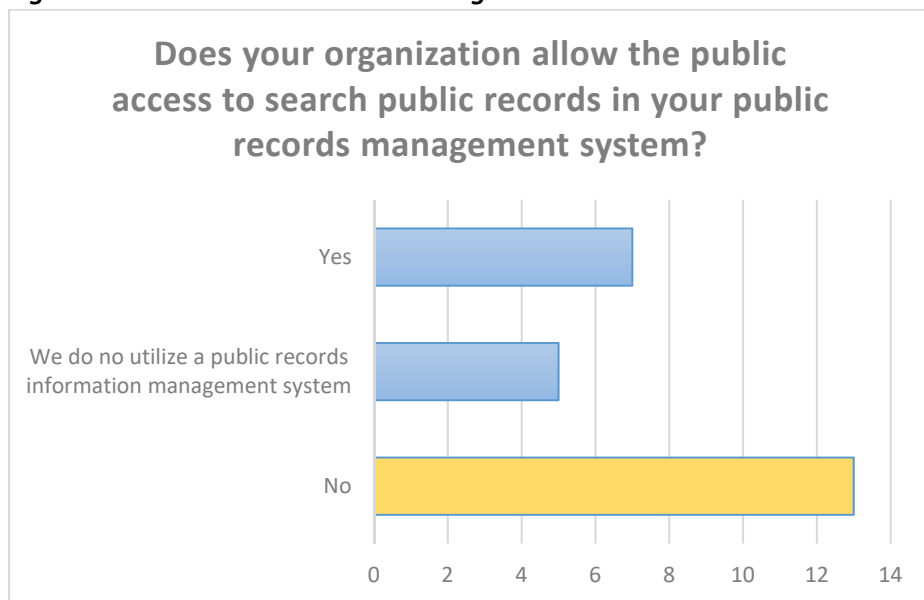
Gainesville City Clerk's Response Each manager is responsible for overseeing compliance to public records laws, rules, and regulations.

Figure 8 - Public Records Benchmarking



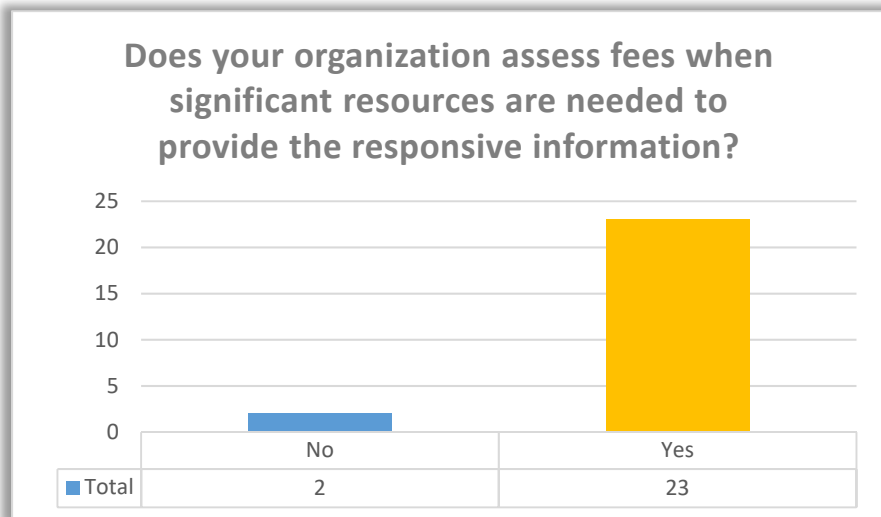
Gainesville City Clerk's Response – Yes, the City of Gainesville utilizes a public records information management system to process public record requests.

Figure 9 - Public Records Benchmarking



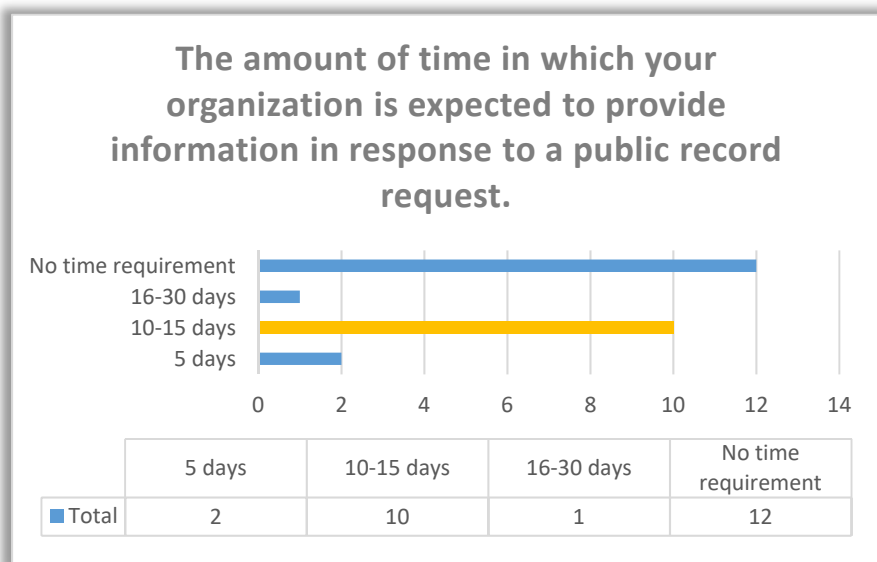
Gainesville City Clerk's Response – No, the City of Gainesville does not allow the public access to search public records in the public records management system.

Figure 10 - Public Records Benchmarking



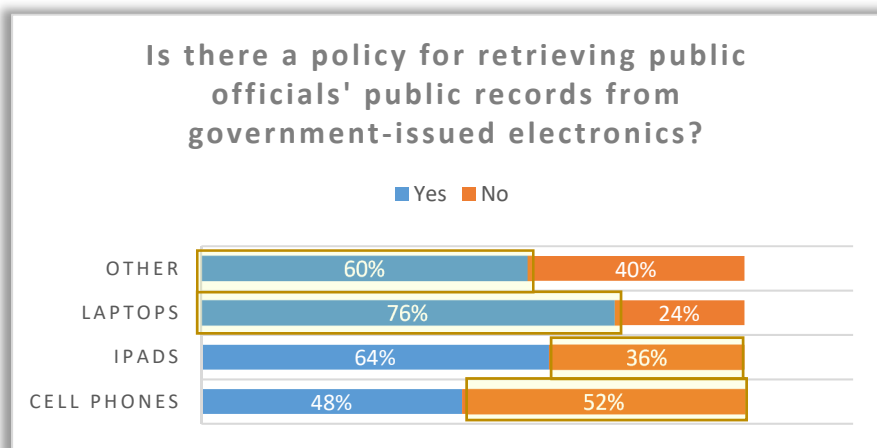
Gainesville City Clerk's Response – Yes, the City of Gainesville assesses a fee when significant resources are needed to provide the responsive information.

Figure 11 - Public Records Benchmarking



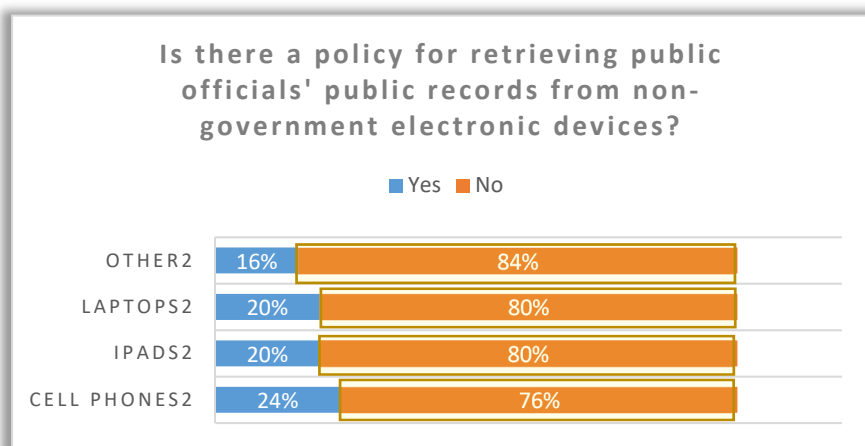
Gainesville City Clerk's Response – Ten days is the amount of time the organization is expected to provide information in response to a public record request.

Figure 12 - Public Records Benchmarking



Gainesville City Clerk's Response – Yes, the City of Gainesville does have a policy for retrieving public officials' public records from government-issued electronic devices, including iPads and cell phones.

Figure 13 - Public Records Benchmarking



Gainesville City Clerk's Response – No, the City of Gainesville does not have a policy for retrieving public officials' public records from non-government electronic devices.

AUDIT ISSUES AND MANAGEMENT ACTION PLANS

ISSUE #1 Policy and Oversight Need Improvement

Risk rating: [Moderate]

Observation:

Instances of noncompliance with City public record policy and guidelines related to training and monitoring were identified. Specifically, (A) **training** on filling requests is not sufficient and was not completed by all employees, and (B) the status of public records requests is not consistently **monitored**. (C) An element of Florida Statute was identified that, if implemented, could provide protections for the City related to public record requests. (C) The City's usage of JustFOIA to process public record requests was not consistent across the City.

(A) Public Records Training

Public records training provided to records liaisons was not sufficient regarding identifying and redacting exempt or confidential information. Before fulfilling a public records request, custodians must review public records and redact exempt or confidential information; however, the training does not include sufficient content on how a custodian can identify and redact exempt or confidential information contained in public records.

Approximately half of active employees enrolled in the basic *Say Yes to Public Records Requests* training course did not complete the training by September 30, 2022. Approximately half of active employees designated as public record liaisons or JustFOIA administrators enrolled in the full training by April 2022, but had not started the full training by September 30, 2022.

(B) Oversight and Monitoring

Reports issued by the City Clerk's Office to aid as a monitoring tool for timely completion (according to the City's recommended window) of public record requests were not provided to staff for four of twelve months in fiscal year 2022. Additionally, email reminders from the Clerk's Office were not sent to the liaisons to alert them of public record requests when:

- The recommended time window for filling public record requests was approaching for six of 11 public record requests selected for testing, and
- The recommended time window for filling public record requests had passed.

(C) Public Records Policy

We identified an element mentioned in Florida Statute 119.12 Attorney Fees that may protect the City from having to pay attorney's fees in a lawsuit alleging the City unlawfully withheld public records. A complainant would be entitled to attorney's fees if the claimant provides written notice of their records request to the City's custodian of public records, if the custodian's contact information is posted, at least five business days before filing a civil action, and the court finds the City unlawfully refused to permit the

record to be inspected. Posting the custodian's contact information on the city's website and administrative building will enable the city to claim the benefits of the statute's safe harbor from attorney's fees.

JustFOIA was not consistently utilized to process public record requests. Some functional areas processed requests completely outside of JustFOIA, and some staff loaded the results of requests after the request had been fulfilled.

Criteria:

(A) Public records training should provide sufficient details for records liaisons to ensure only non-exempt information is released to the requestor.

(A) City of Gainesville Public Records Policy Section XI states:

- All City employees are required to attend training on public records. Current City employees shall attend at least one public records training session offered by the City within one year of the effective date of this Policy. New employees shall receive public records training at new employee orientation.
- As Florida's public records law changes, training will be provided and is mandatory for all City employees. In addition, courses on public records shall be offered to all City employees.
- The City's Human Resources Department shall be responsible for implementation of the training component of this Policy.

(B) The Committee of Sponsoring Organizations of the Treadway Commission, Internal Control – Integrated Framework (2013 Framework), Control Activities Principle 16 states, "The entity selects, develops, and performs ongoing and/or separate evaluations to ascertain whether the components of internal control are present and functioning."

(C) 119.12 Attorney fees. —

- (1) 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:
 - (a) The agency unlawfully refused to permit a public record to be inspected or copied; and
 - (b) The complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action, except as provided under subsection (2). The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed.
- (2) The complainant is not required to provide written notice of the public record request to the agency's custodian of public records as provided in paragraph (1)(b) if the agency does not prominently post the contact information for the agency's custodian of public records in the

agency's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website, if the agency has a website.

Cause:

The public records training required for records liaisons is not sufficient to ensure public records are reviewed and redacted. Employee completion of mandatory public records training is not tracked or enforced. The requirement to provide monitoring reports to staff was not prioritized, which results in an increased risk that public record requests are overlooked or not responded to in a timely manner.

Risk:

Ineffective management and monitoring of public record requests increases the risk of noncompliance with the G-5 Public Record Policy, exposure of exempt data, public record workflow errors or inefficiencies, legal risk, and reputational damage.

Recommendation:

We recommend management:

- Update the content of the Public Records training for records liaisons with guidelines around identifying exempt and confidential information.
- Review and update the public records policy, and guidelines to
 - Provide adequate oversight and monitoring procedures to ensure policy compliance, and
 - Improve public record request training and tracking to include understanding of exempt data, procedures to accurately assess fees, and processes to ensure completion of training.
- Post the contact information of city custodians as allowed by Florida Statute 119.12.

Management Action Plan

The City Clerk would like to thank the Office of the City Auditor for their professionalism and work on this audit. In response to the recommendations, the City Clerk will draft revisions to the City's G5 Public Records policy and guidelines developed by the City Clerk's Office.

Policy and guideline updates will reflect:

- Designation of the City Clerk as the city's custodian of record for legal purposes, as defined in Florida Statutes 119.12 to include posting of this information.
- Strengthened public records training.
- A centralized public records request process to assist with compliance across the organization.

Due date:	December 11, 2023
Responsible Party:	Omichele D. Gainey, IIMC-CMC, City Clerk Shaneka R. Young, CRM, Records Manager
Accountable Party:	Omichele D. Gainey, IIMC-CMC, City Clerk
Consulted Party:	Cynthia Curry, Interim City Manager Anthony Cunningham, Interim General Manager Daniel Nee, Interim City Attorney Ginger Bigbie, City Auditor Zeriah Folston, Interim Equity and Inclusion Officer Brecka Anderson, Interim City Auditor

Risk rating: [Moderate]

Observation:

Internal controls around public record requests need enhancing to ensure that requests are addressed adequately, fees are assessed accurately, and requests are addressed in a timely manner.

For the period of October 1, 2021 – September 30, 2022, we identified public record requests housed in JustFOIA, public records requests housed in GRU Outlook mailboxes, and public records requests stored in GPD Outlook mailboxes, to assess (A) adequacy of response, (B) accuracy of fees assessed, and (C) timeliness of response to requests.

(A) Responses Not Adequate

We selected a judgmental sample of public record requests by identifying departments featuring the highest volume of public records requests, high levels of correspondence or no correspondence, high levels of document attachments or no document attachments, requests with no department name identified, or requests deemed to be higher-risk identified using keyword searches, such as city cell phone records, commissioner emails, and campaign-related records. 29 General Government or multi-department requests were selected from JustFOIA, seven GRU requests were selected from the GRU public records and customer operations email inboxes, and 11 requests were selected from the GPD public records inbox. We inspected the requests for adequacy of response. Specifically:

- Of the 29 General Government requests reviewed, there were two requests where responsive documents were not adequately responsive to the request, and four requests where correspondence with the requestor occurred outside of the JustFOIA portal. For each sampled request, when no responsive records were provided, staff communicated to the requestor that there were no responsive records. The remaining samples were correctly handled.
- Of the seven GRU requests reviewed, there was one request where evidence that responsive documents were provided was not available, thus prohibiting auditor review. For each sampled request, when no responsive records were provided, staff communicated to the requestor that there were no responsive records. The remaining samples were correctly handled.
- Of the 11 GPD requests reviewed, there were two requests where evidence that responsive records were provided was not available, thus prohibiting auditor review. The remaining samples were correctly handled.

(B) Inaccurate Fee Assessments

Public records requests were judgmentally selected from JustFOIA by identifying departments featuring the highest volume of invoices, the highest dollar value of invoices, requests appearing to require duplication charges but were not assessed a fee, and requests with an extensive volume of attachments that would be expected to require extensive review for confidential or exempt information. Selections were for the period in scope. We selected 20 General Government or multi-department public records requests from JustFOIA, two GRU public record requests from the GRU public records inbox, and five

public records requests from the GPD public records inbox. We reviewed the requests to determine the accuracy of public record request fee assessments. The results are outlined below:

- Of the 20 General Government public record requests reviewed, five hourly-rate special service charges were not rounded to the nearest quarter hour, the hourly rate of the lowest paid person was incorrect for 12 requests, invoice calculations for two requests did not agree to the hourly rate times the time spent fulfilling the request, duplication fees were not accurately assessed for one request, an invoice estimating a special service charge were not provided to a requestor for one request, and invoices did not include the department's billing account number for 13 requests.
- Of the two GRU public record requests reviewed, one invoice estimating special service charges could not be located, prohibiting auditor review.
- Of the five GPD public record requests reviewed, the hourly rate of the lowest paid person was inaccurate for two requests, the requestor was not charged for a DVD provided for one request, a requestor was required to pay a deposit instead of the full special service charge for one request, postage was not charged for one request, responsive documents were not retained for one request.

(C) Untimely Responses to Public Record Requests

We judgmentally selected as a sample of all public record requests entered in JustFOIA for the period in scope and selected 11 General Government or multi-department public records requests, one GRU request, and three GPD requests. The results are outlined below:

- We noted that of the eleven General Government public record requests reviewed, six requests were not followed up on by the Clerk's Office when the recommended time window for filling public record requests was approaching, and three requests were not followed up on by the Clerk's Office when recommended time window for filling public record requests had passed.
- Of the one GRU public record request reviewed, the request was not followed up on by GRU when the recommended time window for filling public record requests was approaching, nor when the date had passed.
- Of the three GPD public record requests reviewed, documentation was not available to show that the requests were fulfilled.

Criteria:

The City's G-5 Public Records Policy requires the following regard public records requests:

- When an employee's employment is terminated, all custodial public records will be delivered to his or her successor or supervisor.
- Prior to making copies and utilizing extensive resources or staff time, the City must provide a written estimate of the charges to the requester, which must be fully paid in advance.
- If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance

by the City employees involved, City employees shall charge, in addition to copy costs, a special service charge" and "for the purpose of this section, "extensive" shall be defined as taking more than 15 minutes to locate, review for exempt or confidential information, copy and re-file the requested material.

Public Records Guidelines requires, "if an individual requests records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance."

Cause:

The lack of internal controls in place to track all public record requests received and fulfilled results in the inability to adequately monitor that all requests were fulfilled.

Overall, staff lacked adequate training to ensure adherence to public records policy and guidelines.

Risk:

A lack of strong internal controls around public record request procedures increases the risk of error and other inefficiencies, reputational damage, and litigation.

Recommendation:

We recommend management increases training of all City personnel on the Public Records Policy and guidelines to ensure each department implements the City-wide requirements into their processes, improves the adequacy of responses, accurately assess fees, and ensure timely response to public record requests.

We recommend that GPD revise their public records processes allowing the public records request lifecycle to be managed through JustFOIA to provide consistency and improve tracking of requests.

We also recommend that GRU revise their public records processes allowing the public records request lifecycle to be managed through JustFOIA to provide consistency and improve tracking of requests.

Management Action Plan

The Office of the City Clerk agrees with the recommendation.

Management will increase training of all City personnel on the Public Records Policy and guidelines to ensure each department implements the City-wide requirements into their processes, improves the adequacy of responses, accurately assess fees, and ensure timely response to public record requests.

Management will revise GPD's public records processes allowing the public records request lifecycle to be managed through JustFOIA to provide consistency and improve tracking of requests.

Management will revise GRU's public records processes allowing the public records request lifecycle to be managed through JustFOIA to provide consistency and improve tracking of requests.

Due date:	December 11, 2023
Responsible Party:	Omichele D. Gainey, IIMC-CMC, City Clerk Shaneka R. Young, CRM, Records Manager Cynthia Curry, Interim City Manager Anthony Cunningham, Interim General Manager
Accountable Party:	Omichele D. Gainey, IIMC-CMC, City Clerk
Consulted Party:	Daniel Nee, Interim City Attorney Ginger Bigbie, City Auditor Zeriah Folston, Interim Equity and Inclusion Officer Brecka Anderson, Interim City Auditor