LSU

MONTHLY BUSINESS MANAGERS' MEETING

"PUBLIC RECORDS REQUESTS, PROPERTY DISCLOSURE, RECORDS INFORMATION MANAGEMENT PROJECT

Tuesday, June 9, 2015
9:30 am – 11:00 am
LSU Student Union – Atchafalaya Room

Presented by F&A, HRM & LSU Libraries

Announcements

1. Yearend Documents (FAR & AP) are online

2. Subcontracts

3. Get Travel Reimbursements in ASAP
   See Yearend Memo & Yearend Recap Schedule

4. No meetings in July & August due to yearend!

Finance & Administration

Public Records Law
LSU Policies and Practices
June 9, 2015

by: Patrick Martin & Stephanie Tomlinson

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What is a Public Record?

- R.S. 44:1.A(2)(a): All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, **having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state,** or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records", except as otherwise provided in this Chapter or the Constitution of Louisiana.

What is a Public Record?

- **Any kind of Record,**

- **Used, prepared, or possessed in the conduct of work for LSU,**

- **Regardless of where or how it was generated or stored.**

- Work-related e-mails

- Letters and memos

- Financial Records

- Expense reports and travel logs

- Contracts

- Notes

- Research Records

What about E-Mails?

- Any e-mail produced by an LSU employee relating to their work for LSU is a public record.

- Whether it is on a public e-mail account or a private e-mail account doesn't matter. What matters is the nature of the e-mail, not what system it's on.

- Work-related e-mails on your personal e-mail are public record

- Purely private e-mails on your work e-mail are NOT public record.

- Regardless of Public Record Law, keep work e-mail for work only.

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What about Computerized Records?

- LSU is not required to create records that do not currently exist

- LSU is not required to create custom programming to generate a report that LSU does not normally use for its own purposes

- But the records in a database or other computer system are public records

- If a report has already been programmed in, or can very easily be created, then it must be provided

- Examples

What Records Are Exempt?

- Student records, other than "directory information."

- Most personnel records, other than job descriptions, salary, etc.

- Medical records

- Proprietary and confidential information, labeled as such, provided by a private business

- To a limited extent, some records relating to research that might result in a patent

- Attorney-client communications, and work prepared for an attorney in anticipation of litigation

- Records of law enforcement investigations

- Some records relating to security measures

- Other reasons specified by law (e.g., library records)

Other Reasons to Not Produce Records

- LSU is not required to create records that do not currently exist

- If a request would generate an extreme amount of records, or the records could only be identified by extensive manual searching, LSU can refuse to produce them on the grounds that the records request is overly broad and it would be unduly burdensome on LSU to produce the records

Legal Aspects of Making a Request

- LSU can require that the requester show identification

- LSU has 3 days to provide the requested records or assert an exception

- We often can obtain voluntary extensions when the request generates a lot of documents

LSU Process for Requesting Public Records

- The President is the legal custodian of all public records of this campus

- All requests to review or copy LSU public records must be addressed to him

- If sent by e-mail, the request should be sent to his assistant, Debbie Richards, at **drichards@lsu.edu**

- Ms. Richards forwards all requests to the Office of Finance & Administration for processing

- F&A is responsible for gathering the records, reviewing them for exemptions, and communicating with the requester

- Individual departments should NOT communicate directly with the requester

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F&A Process – other than e-mails

- Identify the department that would have the documents

- If we already have the documents (because it's a common request), provide them directly

- Otherwise, request the records from the appropriate contact in that department

- Review the records for any exemptions or privileges that may apply

- Provide copies of any non-exempt records to the requester

F&A Process – e-mails

- **Request IT security department to run a search on the centralized e-mail server that would produce any e-mails responsive to the request**

- **F&A staff or outside counsel will review each and every single e-mail produced by that process and remove any that we believe are exempt from disclosure**

- **We will provide a pdf file containing the e-mails we believe must be disclosed to the individual whose e-mail account they came from**

- **The individual will have a short period of time (a day or two) to review and request that particular e-mails not be disclosed**

- **F&A, in cooperation with outside counsel, makes the final decision**

- **If you have an e-mail to your significant other on your work account, and it turns up in the IT search, WE WILL READ IT. We don't want to, so please keep love notes on private e-mail accounts only!**

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F&A Process – e-mails (cont'd)

- We will also ask the individual whose e-mail has been requested to run their own search on their own computer, in case any e-mails have been deleted from the server but are still on the individual's local machine

- The individual is also asked to either run the same search on their personal e-mail accounts or to verify that they do not conduct any LSU business on their personal accounts.

What YOU Should Do

- **If a request comes to you directly, immediately forward the e-mail to Stephanie Tomlinson in our office at swintling@lsu.edu; she will instruct the requester about proper procedure.**

- **If Stephanie contacts you about a request:**

  - **Follow her instructions**

  - **Do NOT create any records that do not currently exist**

  - **If it would be particularly burdensome or difficult to comply, communicate that to her early**

  - **Ask questions to make sure you understand what is requested**

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What To Take Back to Your Department

- **Remind everybody that they work for a public institution, and the e-mails and documents they create are probably public record**

- **If they don't want to see something on the front page of the paper, don't write it down**

- **If they don't want some lawyer or F&A staff reading their love notes or dinner plans or political rants, use personal e-mail for that**

- **They should avoid using e-mail to communicate about personnel problems; personal or phone conversations are best for that**

Public Records Are More Frequent

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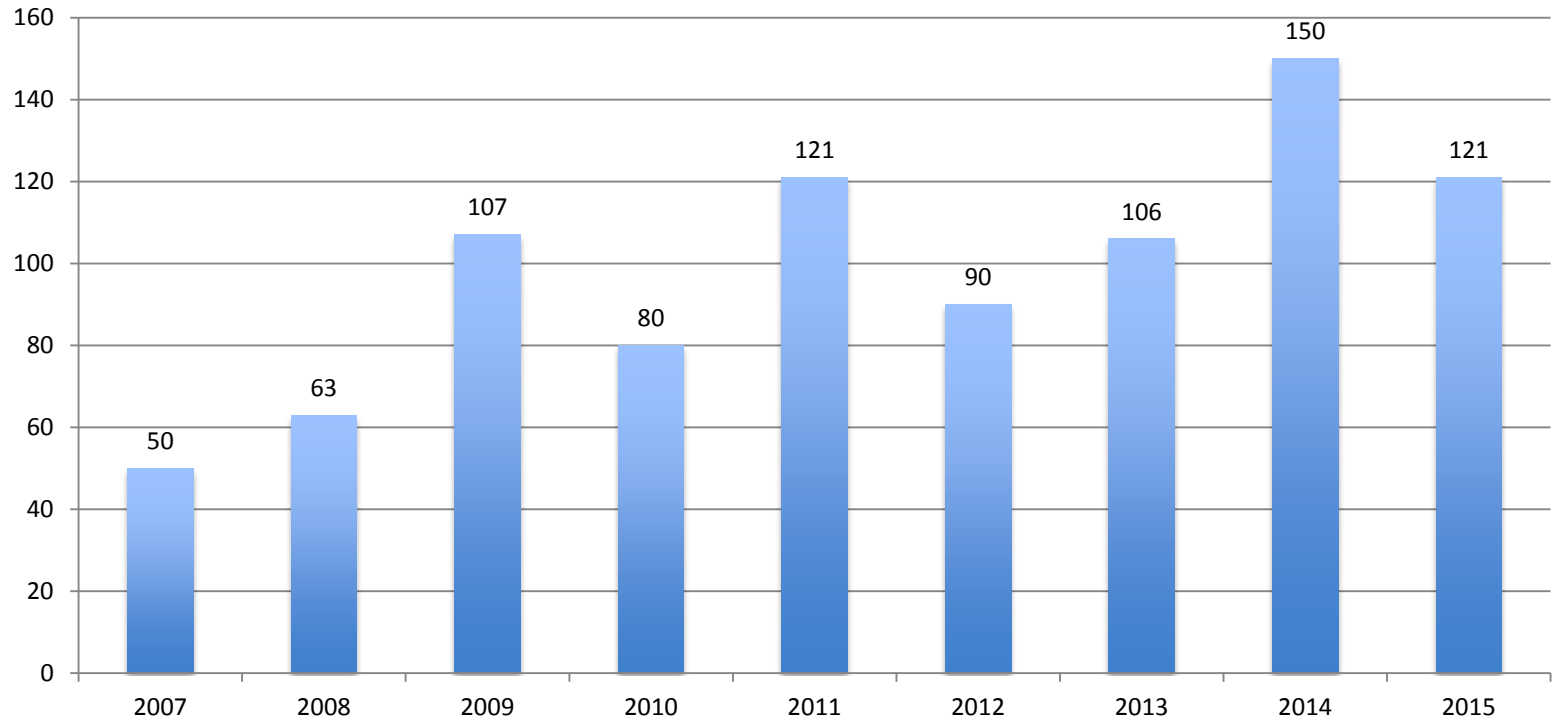
Types of PRRs Received

	2014	2015
Athletics	78	58
Coach Contracts	39	33
NCAA Financials	10	5
Game Contracts	15	4
Student Athlete	5	7
Finance & Admin	0	9
Accounting Services	23	12
Procurement	20	12
Accounts Receivable	3	0
AP & Travel	1	1
LSUPD	9	0
Human Resources	8	4
Student Life	0	8
Law Center	0	4
Misc	32	47

Contact Information

- **Patrick Martin: 578-6832, pmartin@lsu.edu**

- **Stephanie Tomlinson: 578-3386, swintling@lsu.edu**

Property Disclosure

- New question on the *Employee Information Page* (EIP)
  - *DOES YOUR POTENTIAL APPOINTMENT AT LSU INCLUDE YOUR BRINGING PROPERTY?*

- If the answer is **YES**, the new employee must disclose the property he/she is bringing with them.

- If the answer is **NO**, then there will be no further action required.

- Information to be disclosed by incoming hire bringing property:
  - **Item Description**
  - **Primary Location**
  - **Item Manufacturer**
  - **Model/Serial Number**
  - **Prior Institution Tag Number (where applicable)**
  - **Acquisition Amount**
  - **Fair Market Value**
  - **Property Condition**

# Property Disclosure

- References:
  - *Property Disclosure Procedures*
  - *Property Transfer Disclosure Form*
    - Both forms are located on HRM website under *Policies & Procedures*
    - NOTE: If an employee is bringing property with them at point-of-hire and selects **YES** on the EIP, the XAPP form will not go into RHRS status until the *Property Transfer Disclosure Form*.

- Points of Contact:

  - **LSU Property Management**
    P: 578.6921
    E-mail: property@lsu.edu
  - **Sponsored Program Accounting**
    P: 578-5377
    E-mail: spa@lsu.edu

UNIVERSITY ARCHIVES
AARON RICHARDSON, UNIVERSITY ARCHIVIST
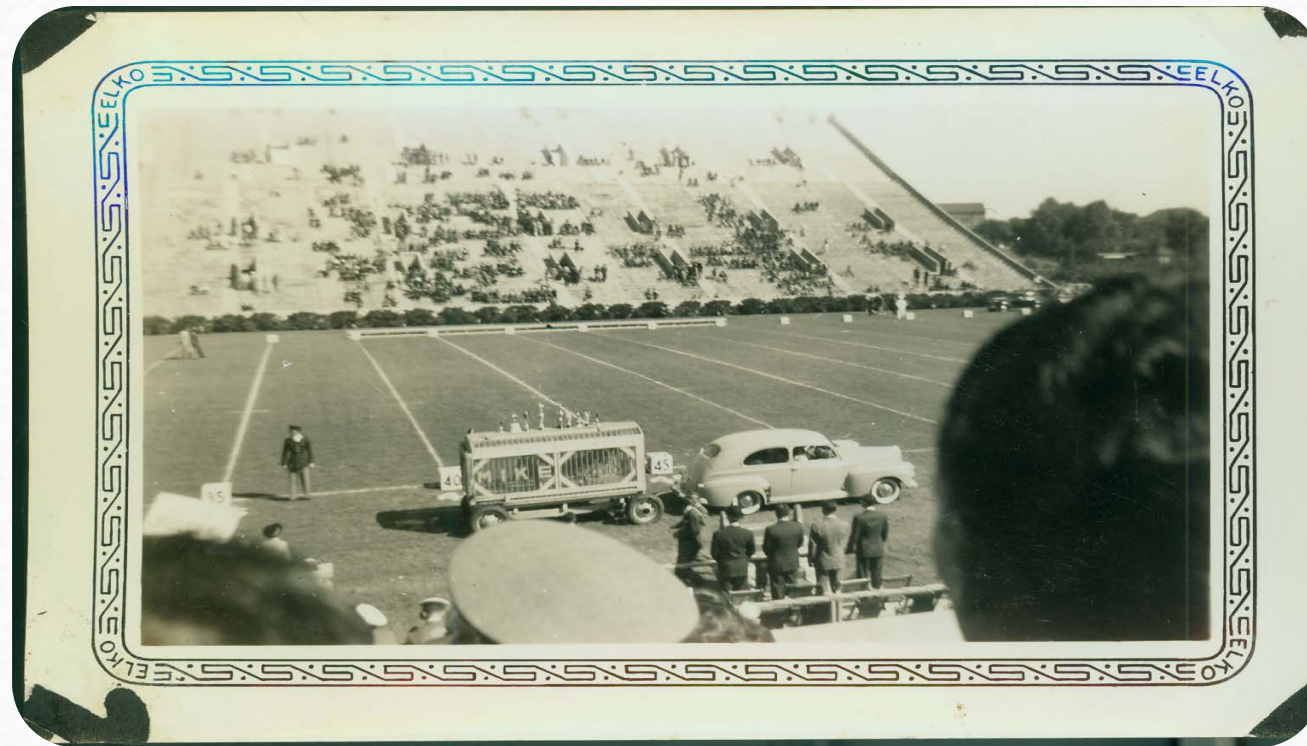
UNIVERSITY RECORDS SURVEY AND ASSESSMENT PROJECT

- An initiative of *University Archives*, the 'RSA" project will assist the LSU community to plan and develop an effective Records & Information Management program (including strategic planning for long-term preservation of born-digital content)

- Research will enable UA to identify and select records to document University History.

- Report arguing the case for the creation of a enterprise-wide Records Management Office/Officer; groundwork for a new retention schedule.

UNIVERSITY RECORDS SURVEY & ASSESSMENT – NEED

Need:

- PS-74 (1990)

- General Records Retention Schedule (1992)

- Risk Management– regulatory compliance, litigation discovery, grant funding requirements, etc.

UNIVERSITY RECORDS SURVEY & ASSESSMENT – STEPS

Organizational Analysis – Site Interviews

- Functional analysis– core functions of Academic or Administrative Unit? Who does what?

- Example from Mass Comm:

  Governance

  Research

  Pedagogy
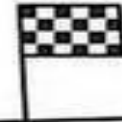
  Public Outreach

  Other (Student Life, etc.)

Survey and Assessment of Recordkeeping Practice and Records

- What information exists?

- In what formats?

- In what systems?

- What information management practices are being followed (or not followed)?

- What record series are most valuable for financial, legal, or historical reasons?
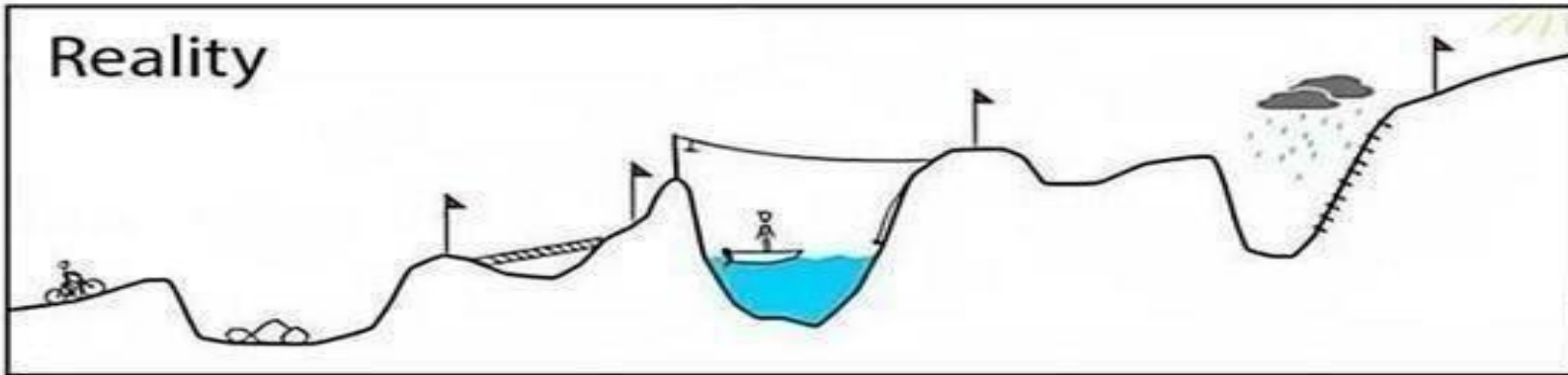
UNIVERSITY RECORDS SURVEY & ASSESSMENT – SITE VISITS

- Project support from Senior Administrator

- A records-responsible/record-knowledgeable liaison

- IT Administrator to allow access/data capture for digital content/servers

- Access to staff for 20-30 minute interviews

- Access to file cabinets, storage attics, etc.

Questions