



Alachua County Attorney's Office

Sylvia E. Torres, County Attorney

MEMORANDUM

TO: Colin Murphy, Children's Trust of Alachua County Executive Director

FROM: Robert C. Swain, Deputy County Attorney *RS*

DATE: November 12, 2021

Re: Children's Trust of Alachua County Public Records

Upon further review, after the meeting of the Trust this past Monday, I have determined that within the statute creating children's service councils is a provision which keeps Personal Identifying Information of the children and parents exempt from public records disclosure under Florida law. This is the provision:

125.901 (11) Personal identifying information of a child or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity created under this section or by special law, or held by a service provider or researcher under contract with such entity, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held before, on, or after the effective date of this exemption.

There is no specific definition of what "personal identifying information" is. Reading the term in context with other statutes protecting personal information, it is my opinion that it would be name, address, date of birth, and Social Security number. This is a non-exclusive list and there might be other items that fit this category on a case by case basis.

Under Florida law there is a difference between "exempt" and "confidential". Exempt means that the information does not have to be disclosed, but there is no penalty for disclosure. Confidential means that it may only be disclosed with a court order, or perhaps a release by the individual involved. It is significant that this information is merely exempt. A policy for safeguarding the information should be developed.

The fact that information is exempt in the hands of the vendor, does not mean that we are unable to obtain it. Under the public records law, government entities are generally able to obtain exempt information from other entities.

Should you have any questions, please contact me.

RCS: emg

Cc: Children's Trust of Alachua County Board Members