

Bayway Isles Homeowners Club, Inc.

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POLICY: MEMBER ACCESS TO OFFICIAL RECORDS

This policy governs access to the Official Records of the Bayway Isles Homeowners Club, Inc. (herein after the “Association”) for Members of the Association. Under the provisions of Chapter 720, Florida Statutes (the “Statute”), Homeowner Associations may adopt reasonable policies regarding the frequency, time, location, notice, and manner of access to Official Records.

The purpose of this Policy is to ensure that Members of the Association have timely and equitable access to the Official Records of the Association, while protecting the personal information and privacy of all Members of our community.

Official Records Defined. The records of the Association available to Members of the Association are those designated as Official Records by Chapter 720, Florida Statutes, as amended from time to time, to the extent that the Association is required to maintain such records. An Official Record does not include any document not already in existence, nor records whose retention period has expired, as provided for by the law, whether or not said records are still in existence.

Persons Entitled to Access. Members of the Association shall have the right to access the records of the Association as permitted by law. No other person shall be permitted to access the Association records unless approved by the Association’s Board or it’s designated representative, or unless required by law or court order.

Requests for Access to Official Records

A Member desiring access to Association records shall submit a written request by Certified U.S. Mail, Return Receipt Requested, to the Association in care of the Secretary, at their home address provided on the annual list of Association Board of Directors. A Member’s Records Access Request shall be deemed received on the date that the receipt card is signed by the Secretary.

Verbal requests and/or requests by facsimile transmission, electronic mail (e-mail) or other means do not comply with this Policy. The written request must specify the particular record or records the Member wishes to access, including the type of record, pertinent accounts, dates, and any other descriptive elements required to locate and produce the record(s). The specification of the particular record(s) must be sufficiently detailed to permit the Association to retrieve the exact record(s) requested.

No Member may submit more than one request for access to Association records within a thirty (30) day period.

Provision of records shall generally be accomplished by the Association on or before the tenth (10th) business day subsequent to actual receipt by the Association of the written request for inspection, or within the time period required by law. This time frame may be extended upon

request of the Member or for good cause. In any case, the Association shall always use its best efforts to make records available by the end of the tenth (10th) business day after receipt of a request, and the failure to do so shall create a rebuttable presumption that the Association has violated the provisions of this Policy. The Association may rebut the presumption by obtaining an opinion from legal counsel that the Association has, under the circumstances, attempted to address the Member's records inspection request promptly and in good faith. In addition, this time frame shall be extended in the event the records are so voluminous, or otherwise in such condition as to render this time frame unreasonable.

The records to be provided shall be restricted solely to those records specifically designated in the written request. The Association will not sequence information into any order or create or generate a document or a report that it would not otherwise create or generate unless it is required to do so by law or by its governing documents. Provision of records will be limited to those records that exist at the time of the request. Requests for future records or documents will not be accepted.

The Association maintains a significant portion of its records in non-written electronic form and as electronically stored images. In response to any request for examination, inspection or copying of, or access to Association records, the Association may instead cause such records to be extracted from their electronic form into a separate storage medium or at the members request, printed to paper.

The Association may comply with its obligation to provide access to Official Records by providing the records to the Member by delivery to their postal address of record, via electronic mail or internet access, or by making them available in a computerized format and on storage media readable with customary programs used in consumer and office computers.

The Association may, at its option, provide access to records to a Member through a computer supplied by the Association. The person accessing the records shall not review other content or programs on said computer, nor otherwise in any fashion download, forward, or otherwise transmit or manipulate the data he or she reads during the inspection of the records by review on electronic mail, internet or computerized format. This is not to preclude the Member from using a digital imaging device to take "screenshots" of the viewed images for their own use.

If a Member provides the Association with notice that they would prefer paper copies, or that they do not have access to a computer, or if there is no alternative other than to provide the records via a paper copy, the Association will supply the records on paper. If the Member's record request results in over 25 (8.5 x 11.0 inch) pages of material, the Member shall pay the reasonable expense of converting such records to paper form, which expense shall be the actual cost of making a printed copy, but no less than the amount per page provided by Statute. The paper copies may be picked up at a location designated by the Association, but in no case will the pickup location be more than 45 miles from the Bayway Isles community. If the Member wishes to have the paper copies delivered by the postal service or other delivery service, the Member will be charged for the actual cost of delivery.

The Member is responsible for the cost of work performed by an Association vendor in assembling copies of the records, including the cost required for personnel to retrieve and copy the records, the cost of redacting personal identifying information from the records, and the cost of copying if the records requested to be copied exceed 25 pages, as supported by the vendor invoice(s). The costs charged to the Member will not exceed the maximum amounts provided for by Statute.

Member Privacy

The Association may withhold or redact information from the Association records if:

- (1) The information is privileged under law. Examples include documents subject to attorney-client privilege or relating to litigation in which the association was, is, or may become involved, and confidential settlement agreements.
- (2) The release of the information is reasonably likely to compromise the privacy of an individual member of the association.

Enforcement of Access to Association Records Policy

Any violation of this Policy may result in the immediate suspension of access to Association records until such time as the violator agrees in writing to comply herewith.

Any request for inspection and copying not complying with these Policy need not be honored, but in such cases the Association shall via mail, electronic mail, or hand-delivery provide a written response to the Member requesting access to the records and shall indicate how the request fails to comply herewith.

The Board of Directors may take whatever appropriate legal action is available against any person who fails to comply with the requirements of this Policy. Nothing in this Policy shall be construed as a limitation or restriction upon any of the Association's rights or remedies, or act as an election of remedies. The invalidation by any court of any of the conditions, requirements, or provisions herein contained shall in no way affect any of the other elements of the Policy but they shall remain in full force and effect.

The President of the Association, or their designate, shall have the authority to interpret and implement the provisions of this Policy and make decisions and judgments arising hereunder without need for Board approval on a case-by-case basis.

The Association reserves the right to modify or amend this **MEMBER ACCESS TO OFFICIAL RECORDS POLICY** at any time.