



CALIFORNIA
PUBLIC
RECORDS ACT
PROCESS

What are public records?

*“Any **writing** containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.”*

- **Writings:** Any handwriting, typewriting, printing, photostating, photocopying, transmitting by email or fax, and every other means of recording upon any tangible thing and form of communication or representation including letters, words, pictures, sounds, symbols or combinations thereof, regardless of the manner in which the record is stored. (May also include metadata, GIS data, and other electronic data).

What are major request exceptions to the Act?

- Architectural and Building Plans,
- Attorney-client communications and work product,
- Attorney Bills and Retainer Agreements (may be redacted),
- CEQA Proceedings,
- Code Enforcement Records,
- Deliberative Process Privileged Writings,
- Drafts of any documents,
- Voter Registration Information,
- Initiative, Recall and Referendum Petitions,

Exceptions continued...

- IT Security Records,
- Law Enforcement Records (some),
- Library Patron Use Records/
Circulation Records,
- Financial Information related to license
or permit applications,
- Medical Records,
- Official Information Privilege,
- Pending Litigation or Claims,
- Personal contact information,

Exceptions continued...

- Personnel Records (some police Discipline records are discloseable),
- Public Contracting Bid Information (at certain stages of the bid process),
- Real Estate Appraisals and Engineering Evaluations (after acquisition),
- Public Assistance Recipient Identifying Information,
- Taxpayer Information,
- Trade Secret Information,
- Utility Customer Information, and
- An Exemption for records where there is a prevailing public interest in non-disclosure.

What is and is not required of the responding public agency?

- To the extent reasonable, assist the requestor in focusing and narrowing down the request.
- Describe the information technology in which the records exist.
- If necessary, provide suggestions for overcoming practical reasons for denying the request.
- NOT inquiring into the requestor's purpose unless it helps focus the request.
- NOT searching for records that are not prepared, owned, used or retained by the agency.
- NOT required to perform a "Needle in the Haystack" search. Highly burdensome searches: If a voluminous search imposes a substantial enough burden, the public interest in non-disclosure could outweigh the public interest in disclosure.
- NOT required to create a record or report not in existence, nor "privilege log" identifying records that are withheld.

What is the required response time?

- 10 days from the receipt of the Public Act Records request:
 - *Notify requestor whether documents are available and/or provide the documents within the first 10 days.*
 - *If able to provide available documents but need a limited amount of more time, invoke an additional 10 day extension.*
 - *If request is extensive and voluminous, agency may invoke a time extension for as long as is necessary to complete the request.*

QUESTIONS??