

Access to Public Records Act Guidance Policy

Article ____ Community Relations

Preface:

The following are suggested guidelines and extractions from **Government Code Gov. Title 1. General, (100 – 7914), Division 7, Miscellaneous (6000 – 7599.2) Chapter 3.5 Inspection of Public Records (6250 – 6276.48), General Provisions (6250 – 6270).** as a means to guide person(s) responsible for responding to PRA requests submitted by a member of the public.

In the event there are any questions regarding these guidelines, or Sections of the Government Code noted in the guidelines, the person(s) responding to the PRA shall be responsible to reference the Government Code for purposes of further clarity or contact their legal counsel. (See attached Government Code)

Verbal request for a document

Members of the public may request a copy of a single document; Eg. school calendar for the following year.

If the document is in draft form or has not been approved by the board, you may simply respond to the person verbally or in a brief written response either electronically or by other written means. Such requests may not require the agency to comply with the PRA process to the fullest extent of the law.

Records requested to be copied on-site

Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as provided. Any reasonable portion of a record shall be available for inspection by any person requesting the record after redaction of the portions that are exempted by law.

Sect. 6253(a)

A requester who requests to copy records on site must submit their request in writing as to the records to be copied.

The agency should establish a reasonable date that would allow the requester to come to the site and copy records.

A requester who inspects a disclosable record on the premises of the agency has the right to use the requester's equipment on those premises, **without being charged any fees or costs** to photograph, copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in;

(A) Damage to the record

(B) Unauthorized access to computer system(s), software, network capable of accessing, altering, or compromising the agency's electronic records.

The agency may impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or prevent the copying of records from being unreasonable burden to the orderly function of the agency and its employees. **Sect. 6253 (d), (1) (A), (B), (2).**

PRA Request Submitted to Request Records from the Agency

If a member of the public submits in writing a request for record(s) regarding any issue accountable for by the agency, the following should be verified before responding to the request

The request should be in writing or a form used by the school

The request must include the date of the request

Shall include the name(s) of person(s) making such request

Should be specific (as possible) as to records being requested

School Review of Request

The request should be first reviewed by the local agency for a clear understanding as to what information the member of the public is requesting before responding.

If there are questions regarding the request, it is well to address those to the requester before applying the following steps. Clarifying any questions must be done within 10 day requirement to respond.

The agency upon a request for copy of records shall within the 10 days of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reason therefore. **Sect. 6253(c)**

Shall include date and time of response and the name of the person providing the response

A "reasonable" date anticipated to complete the process

As used in this paragraph, "unusual circumstances", the time limit prescribed in the law (10 days) may be extended by written notice by the head of the agency or designee to the person making the request and the reasons for the extension and the date on which the information is expected to be dispatched **6253 Sect. (c), (1), (2), (3), (4)**

"Unusual circumstances" means the following, but only to the extent reasonably

necessary to the proper processing of the particular request;

The need to search for, collect the requested records from field facilities or other establishments that are separate from the office processing the request.

The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

No notice shall specify a date that would result in an extension of more than 14 days. Sect. 6253(c)

In the event the local agency requires the services of another agency or agencies to provide necessary documentation to complete the request that may result in a delay to provide documentation to the member of the public, the Director or designee of the local agency should notify the member of the public to inform the member of the public of any delay due to outside agency timeliness to provide documentation.

Sect. 6253 (c), (1), (2), (3), (4).

Fees

Upon request for a copy of records that reasonably describes identifiable records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication.
Sect. 6253 (b)

Agency Obligations

When a member of the public requests to inspect or obtain a public record the agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record(s) shall do the following to the extent reasonable under the circumstances. **Sect. 6253.1(a), (1), (2), (3)**

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request.
- (2) Describe the information technology and physical location in which the record(s).
- (3) Provide suggestion for overcoming any practical basis for denying access to the record(s) or information sought.

****A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this chapter. Sect. 6253.3**

The requirements stated in **Sect. 6253.1 (a)** shall be deemed to have been satisfied if the agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record or records. **Sect. 6253.1, Sect. (b). refer to legal counsel**

Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format shall make that information available in electronic format when requested by any person and when applicable, shall comply with the following; **Sect. 6253.9 (a),(1,2), (b 1, 2), (c), (d), (e), (f), (g)**

Except as provided in Sections 6254.7 and 6254.13 this chapter does require the disclosure of any of the following records; **Sect. 6254, (a), (b), (c), (d), (1), (2), (3), (4)**

The home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:
Sect. 6254.3 (a), (1), (2, (3, (4), (b), (1), (2), (c)

Electronic Records

Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is an electronic format shall make that information available in an electron format when requested by any person and, when applicable, shall comply with following; **Section 6253.9 (a), (1), (2), (b), (1), (2), (c), (d), (e), (f), (g).**

Exempted Information

Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records; **Section 6254, (a), (b), (c), refer to legal counsel for other exempt records**

Denial of Records

Except with respect to public records exempt from disclosure by express provisions of law. **Sect 6253 (b)**

The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial. **Sect. B (3) refer to legal counsel**

Reference:

Government Code Title I, General (100-7914 Division 7. Miscellaneous (6000- 7599.2 Chapter 3.5 Inspection of Public Records (6250—6276.48) Article 1 General Provisions (6250-6270.7).

Article 1 General Provisions (6250-6270.