



Approved by Marc S. Grisham
City Manager

Subject: Policy Directive Regarding Procedures for Public Records Act Requests

Purpose:

This policy provides to all City staff the information and tools necessary to effectively respond to public records act requests in a timely manner.

The California Public Records Act ("CPRA") serves an important purpose, and the City has an excellent record of responding to requests for public information in a timely manner. Recently, the quantity and scope of CPRA requests submitted to the City have increased substantially. The goal of this Policy Directive is to ensure that each request is handled in a timely, comprehensive and coordinated manner.

Overview

The CPRA (Government Code Section 6250 *et seq.*) is California's version of the federal Freedom of Information Act. The CPRA requires the City to make public records available for inspection or duplication upon request. A public record includes "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained" by the City.¹ Virtually every document to which you have access as a City employee may be a public record.

However, certain public records are exempt from disclosure under the CPRA.² The majority of the exemptions were formulated to protect the privacy of individuals and confidential materials. Any decision to withhold or otherwise deny access to records responsive to a CPRA request must be made by the City Clerk's Office.

The City is required to make copies of records "promptly available" to a requester upon payment of fees for photocopying, if applicable. The CPRA requires the City to respond to a request for records within 10 calendar days.³ It should be noted that the City is not required to *produce* the responsive documents within 10 days. The City has a standard response letter for CPRA requests that complies with the requirements of the CPRA.

¹ Government Code Section 6252(e).

² See Government Code Section 6254.

³ Government Code Section 6253(c).

Frequently Asked Questions

Can we require a requesting party to use the City's standard CPRA request form?

No. A valid CPRA request may be made orally or in writing. The request may be made by letter, via email, by telephone, in person, or by any other means. The City's standard CPRA request form is on file with the City Clerk and available on the City's website. City staff should *encourage* a requesting party to utilize the City's standard request form, but the City cannot require a written request. City staff may not limit access to public records based upon the identity or purpose of the requesting party.

Does the City have a duty to assist the requesting party?

Yes. The City has an affirmative duty under the CPRA to help a requesting party identify the records responsive to a CPRA request. City must provide suggestions for overcoming any practical obstacles regarding access to the records or information sought. For example, City staff may be required to identify and help a requesting party access documents maintained electronically, off-site or on microfiche.

May the City charge for copies under the CPRA?

Yes. The City may require the payment of fees covering the "direct costs of duplication" prior to the production of responsive documents. Under the CPRA, the City may not charge a requesting party for staff time used to locate documents or process the request. The City Council established the City's standard copy fees by resolution. Please contact the City Clerk's office for information related to specific copy charges.

What if the City has no documents responsive to the request?

The requesting party should be notified that the City has no responsive documents. In certain situations, this may be an appropriate time to "assist the requestor" in an effort to identify documents in the City's possession. Under no circumstances does the CPRA require the City to create a new document to respond to a request.

Processing A Request

Certain requests may be handled informally by City staff. Requests for Ordinances, Resolutions, Municipal Code Sections, finalized agenda items, building permits, business licenses and minutes from City Council meetings may be filled by staff after department head notification. All other CPRA requests must follow three easy steps:

1. Reduce the request to writing: Ideally, a requesting party will fill out the City's standard CPRA request form. If the request is made orally, offer to provide the City's standard form and encourage the requesting party to fill it out. If the requesting party is unwilling to reduce its CPRA request to writing, document the request to the best of your ability on the City's standard form. Staff should thereafter send a written confirmation of the oral request

to the requesting party. This gives the requesting party the ability to correct any misunderstandings related to its request and provides the City with written confirmation of the request.

2. Contact the City Clerk's Office. The City Clerk's office is responsible for coordinating and tracking all CPRA requests received by the City. Upon receipt, immediately date-stamp and hand deliver a copy of the CPRA request to the City Clerk. The City Clerk's office will thereafter coordinate the 10 day written response to the requesting party, City Attorney review of the responsive documents (if necessary) and production of the responsive documents. All 10 day response letters must be delivered under the City Clerk's signature. In the event that a requesting party seeks the inspection of documents, the City Clerk's office will coordinate use of a conference room or other suitable area for the document review. Under no circumstances is a member of the public allowed access to an employee work area to review documents responsive to a CPRA request. Any decision to deny access to City records must be made in writing by the City Clerk's office.

3. Gather the Responsive Documents. Upon direction from the City Clerk's office, City staff should begin to gather the documents responsive to the request. The City Records Manager will coordinate with staff to identify the most practical and efficient method for document collection. Requests that seek a large volume of documents or oversized documents may require additional attention and facilities. Do not produce documents responsive to a CPRA request without authorization from the City Clerk's office.

Compliance with this Policy Directive will ensure that all City document requests are handled in a timely, comprehensive and coordinated manner in compliance with the requirements of the CPRA. If you have any questions related to this Policy Directive, please contact the City Clerk's office.