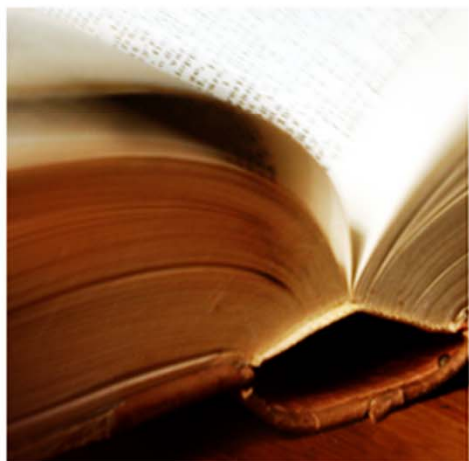




California Public Records Act (PRA)

Board of Trustees Retreat

April 21, 2012





Govt. Code section 6253

- “The California Public Records Act is designed to give the public access to information in possession of public agencies: ‘public records are open to inspection at all times during the office hours of the...agency and every person has a right to inspect any public record, except as...provided, [and to receive] an exact copy’ of an identifiable record unless impracticable.”



Who's Covered



All state and local agencies, including:

1. Any officer, bureau, or department;
2. any “board, commission, or agency” created by the agency (including advisory boards); and
3. nonprofit entities that are legislative bodies of a local agency. (§ 6252 (a), (b))





What's Covered

- “Records” include all communications related to public business “regardless of physical form or characteristic, including any writing, picture, sound, or symbol, whether paper..., magnetic or other media.” § 6252e
- Electronic records are included, but software may be exempt. §§ 6253 a, g, 6254.9 a, b
- The agency must justify the withholding of any record by demonstrating the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. § 6255





What's Not Covered

- Employee's private papers, unless they relate to the conduct of the public business and are prepared, owned, used, or retained by the agency. § 6252e
- Computer software “developed by a state or local agency...including computer mapping systems, computer programs, and computer graphic systems.” § § 6254.9a, b
- Records not yet in existence. An agency cannot be required to create a record, list, or compilation.





Records Exempt From Disclosure

- Attorney-Client discussions are confidential, even if the agency is the client, but the agency (not the lawyer) may waive secrecy. § 6254K, 6254.25, 6276.04
- Appointment calendars and applications, phone records, and other records which impair the deliberate process of government decision-makers may be withheld only if “the public interest served by not making the record(s) public clearly outweighs the public interest served by disclosure of the record(s). § 6255





Records Exempt From Disclosure

- Preliminary drafts, notes, and memos may be withheld only if they are not retained in the ordinary course of business and the public interest in withholding clearly outweighs the public interest in disclosure. *§ 6254a*
- Home addresses *§ 6254f, u*
- Records concerning agency litigation, but only until the claim is resolved or settled. *§ 6254b, 6254.25*
- Personnel, medical, and similar files. *§ 6254c*
- Police incident reports, rap sheets, and arrest records. *Penal Code § § 11075, 11105, 11105.1*
- Certain financial data *§§ 6254d, k, l, 6276*





What Must Happen

- Access is immediate and allowed at all times during business hours. § 6253a
- The agency must provide assistance by helping to identify records and information relevant to the request and suggest ways to overcome any practical basis for denying access. § 6253.1
- An agency has 10 days to decide if copies will be provided. The agency may, upon written notice to the requester, give itself an additional 14 days to respond. § 6253c



Fees



- Access is always free. Fees for “inspection” or “processing” are prohibited. § 6253
- Copy costs are limited to “statutory fees” set by the Legislature (not by local ordinance) or the “direct cost of the duplication”. Charges for search, review, or deletion are not allowed. § 6253b
- If a request for electronic records either is for a record normally issued periodically, or requires data compilation, extraction, or programming, copying costs may include the cost of programming. § 6253.9a, b





District Procedures

All PRA requests are directed to vice chancellor's office for processing.

- 1) PRA requests received via hard copy, in-person, email, or telephone are logged into tracking spreadsheet, date stamped, scanned, and a copy is sent to legal counsel.
- 2) A response indicating when the records will be available is due (10 days from receipt of request) is noted on vice chancellor's calendar.
- 3) PRA request is presented to vice chancellor for review and direction.
- 4) Staff is coordinated to address the request.
- 5) Once it is determined when the information will be ready, the requestor is sent a response letter/e-mail indicating when the records are available for inspection and/or the cost of the information (programming time, photocopy costs, and postage, if any). (within 10 day response period, or within extension period-additional 14 days).
- 6) Requestor has the option to review the records and select what if anything they want photocopied or to pay for all the records. Once payment is received, if any, the documents are sent to requester in a format requested (generally electronic or hard copy).



Representative Requests

<u># of Requests</u>	<u>Description</u>
1	Public spending information (payees other than a regular employee or student paid a cumulative total amount of more than \$10,000)
1	Fee agreements, professional service contracts, or other written documents identifying financial arrangements with: <ul style="list-style-type: none">• Outside attorney and/or law firm• Any individual employed on interim or temporary basis in managerial or administrative position• Any individual or firm providing consultation services to district• Extra compensation for managerial or administrative employees• Faculty members employed under extended contracts• Consultants
1	Documents demonstrating compliance with California Education Code section 84362 – 50% Law
1	Chancellor's: <ul style="list-style-type: none">• Employment contract• Account statements• Expense reimbursement reports• Statement of Economic Interest
1	Board meeting agenda and minutes
1	SCCCD guidelines for records accessibility



Representative Requests



<u># of Requests</u>	<u>Description</u>
1	SCCCD Campus Police job descriptions, compensation, reports, memos, emails, and purchase receipts
5	Employee Salaries
1	Accrediting Commissions Report
2	Grades awarded for all sites during a specific time period.

Questions?

