

SAN GORGONIO PASS WATER AGENCY

POLICY TITLE: REQUESTS FOR INSPECTION AND/OR COPYING OF PUBLIC RECORDS

PURPOSE

This policy is established in accordance with Government Code section 6253.4, subdivision (a), which states: "Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section." This policy sets forth the San Gorgonio Pass Water Agency's policies and procedures for handling requests to inspect and/or copy public records. It is designed to be in compliance with the California Public Records Act (Gov. Code §§ 6250 et seq.) and all existing laws pertaining to disclosure of public records. If any provision of this policy conflicts with current State or federal law, the law shall take precedence. This policy supersedes any and all previous Agency policies on Public Records Act requests or other similar policies relating to making Agency records available to the public.

PROCEDURE

1. Definitions

As used in this policy, the following terms shall have the following meanings:

- (a) "SGPWA" shall mean the SAN GORGONIO PASS WATER AGENCY.
- (b) "Person" shall mean any natural person, corporation, partnership, limited liability company, firm, or association.
- (c) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, electronic mail, facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.
- (d) "Public records" shall mean any writing containing information relating to the conduct of the SGPWA's business prepared, owned, used, or retained by the SGPWA regardless of physical form or characteristics.
- (e) "Requester" shall mean a person, or representative of a person, who has submitted a request for records to the SGPWA by mail, fax, e-mail, telephone or in person.

2. Right to Inspect Records and Obtain Copies/Responding to Records Requests/Legal Review

Disclosable public records of the SGPWA are open to inspection by any person during the normal business hours of the SGPWA's offices, in accordance with Section 5 of this policy.

To the extent possible, SGPWA will make disclosable public records promptly available for inspection. However, if a request for public records requires staff time to gather and review documents prior to providing them for inspection, SGPWA staff may require a requester to schedule a time during normal business hours to inspect the requested public records. Copies of disclosable public records may be obtained by any person, in accordance with the procedures set forth in this policy. SGPWA staff will make copies of identifiable and disclosable documents promptly available, upon payment of applicable copy charges or statutory fees, as set forth in this policy. Any disclosable portion of a record that can be reasonably separated from other parts of the record that are exempt by law shall be made available for inspection and/or copying after the exempt portions have been redacted. Documents responding to any request for records may be subject to review by the SGPWA's legal counsel prior to any inspection of the records or delivery of copies.

3. Records Exempt from Disclosure

Records which are exempt from disclosure by law include but are not limited to the following:

- (a) Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by the SGPWA in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure. (Gov. Code § 6254, subd. (a).)
- (b) Records pertaining to pending litigation to which the SGPWA is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such pending litigation or claim has been finally adjudicated or otherwise settled. (Gov. Code § 6254, subd. (b).)
- (c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code § 6354, subd. (c).)
- (d) Statements of personal worth or personal financial data required by the SGPWA and filed by an applicant with the SGPWA to establish his/her personal qualification for the license, certificate or permit applied for. (Gov. Code § 6254, subd. (n).)
- (e) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the SGPWA relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreements are obtained; provided that the law of eminent domain shall not be affected by this provision. (Gov. Code § 6254, subd. (h).)
- (f) Computer software developed by a state or local agency is not itself a public record. (Gov. Code § 6254.9.)

- (g) The records made, if any, of closed sessions, along with any confidential information that has been acquired by being present in a closed session, are not public records subject to inspection, to the extent permitted by the Ralph M. Brown Act and the Public Records Act. (Gov. Code §§ 54957.2, 54963.)
- (h) Records the disclosure of which is exempted or prohibited pursuant to federal or state law (i.e., attorney-client privilege under the California Evidence Code). (Gov. Code § 6254, subd. (k).)
- (i) Social security numbers – State law requires local agencies to redact social security numbers from records before disclosing such records to the public. (Gov. Code § 6254.29.)
- (j) Test questions, scoring keys, and other examination data used to administer an examination for employment are exempt from disclosure. (Gov. Code § 6254, subd. (g).)
- (k) Utility customer information –names, credit histories, utility usage data, home addresses, or home telephone numbers are exempt from disclosure except under specific circumstances. (Gov. Code § 6254.16.)

The above partial list of exemptions is subject to existing State and federal law, and any changes in the law are automatically incorporated into this policy. A comprehensive list of exempt documents and documents that are not deemed to be public records is provided in the California Public Records Act (Gov. Code §§ 6250 et seq.)

4. Requests to Inspect and/or Make Copies

Requests Must be Submitted to the General Manager During Normal Business Hours. All requests for records must be submitted to the General Manager during normal business hours when SGPWA offices are open. Receiving requests during normal business hours helps SGPWA staff avoid any delays in responding to requests for inspection and/or copies of SGPWA records. This requirement complies with the Public Records Act mandate that public records must be “open to inspection at all times during the office hours of the state or local agency...” (Gov. Code § 6253, subd. (a).) (Emphasis added.) This requirement to submit records requests during normal business hours also complies with the Public Records Act provision that allows the SGPWA to “adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in [the Public Records Act].” (Gov. Code § 6253, subd. (e).)

Requests Should be Submitted in Writing to the General Manager. The SGPWA encourages members of the public to submit all records requests in writing to the General Manager, preferably using the Public Record Request form attached as Exhibit “A” to this policy. Written requests reduce any misunderstandings between the requester and SGPWA staff. Less misunderstandings assist SGPWA staff to respond to records requests in a timely manner

and with greater efficiency. However, the SGPWA will not deny a request for records solely because it is not submitted in writing.

All Verbal Requests Must be Submitted to the General Manager. If any member of the public chooses to make a verbal request for records, such requests will only be accepted through the General Manager during normal business hours when SGPWA offices are open. SGPWA personnel in other SGPWA departments who receive verbal requests for records will direct the requester to contact the General Manager.

Requests Should Clearly Identify the Records. The requester should, in writing, specify the records to be inspected/copied with sufficient detail to enable the SGPWA to identify the particular records. If the request seems ambiguous or unfocused, SGPWA staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code Section 6253.1, SGPWA staff shall do all of the following, to the extent reasonable under the circumstances:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- Describe the information technology and physical location in which the records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

5. Making Determinations on Records Requests/Taking Time Extensions

The SGPWA, upon a request to inspect or copy records, shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks disclosable public records in the possession of the SGPWA. SGPWA staff shall promptly notify the person making the request of the SGPWA's determination and the reasons for the determination. In unusual circumstances, the time limit for providing the determination on a records request may be extended by written notice to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be provided. Any extension of time will not last more than fourteen (14) calendar days. A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing. As used in this policy and pursuant to Government Code section 6253, subdivision (c), "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

- (3) 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 SGPWA having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

6. Procedures for Requests for Inspection and/or Copies

Requests for inspection and/or copies of records determined to be disclosable will be handled as follows:

- (1) Requests Received by Mail - The General Manager or a member of SGPWA staff will notify the requester of the fees to be paid to the SGPWA for copies of such records. Upon receipt of such fees, the General Manager or a member of SGPWA staff shall prepare and mail copies of such records to the requester.
- (2) Requests Delivered in Person – Copies of requested documents will be provided after payment of fees in accordance with the established fee schedule (Exhibit "B"). As previously stated, requests for records should be submitted in writing, preferably by completing the attached Public Records Request form.
- (3) Requests Received by Telephone – In response to a telephone request for copies of SGPWA records, the General Manager or a member of SGPWA staff will explain the records request procedure (including established fees) as outlined above. Payment of fees is required before copies may be prepared. A Public Records Request form (Exhibit "A") should be completed by the SGPWA employee receiving the request by telephone.
- (4) Requests Received by Fax – In response to a faxed request for copies of SGPWA records, the General Manager or a member of SGPWA staff will contact the requester and explain the procedures (including established fees) as stated above.. Payment of fees is required before copies may be prepared.
- (5) Requests Received by E-mail – In response to a request by e-mail for copies of SGPWA records, the General Manager or a member of SGPWA staff will transmit to the requester an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits "A" and "B" to the Requester. Payment of fees is required before copies may be prepared.

Any person in attendance at an inspection of SGPWA records may request a copy of any disclosable record being inspected. Upon completion of the written request and payment of the applicable fees, the General Manager or a member of SGPWA staff will prepare copies of the requested records at the time of inspection. If a large number of copies are requested after a records inspection, SGPWA staff may need additional time to make the requested copies.

7. Fees for Copies

The SGPWA shall charge fees for copies or certified copies of identifiable public records or information as set forth in Exhibit "B."

PUBLIC RECORD REQUEST FORM

Date of Request: _____

In accordance with the California Public Records Act (Gov. Code §§. 6250 et seq.), I am requesting to (check one):

- inspect the following public records receive copies of the following public records

[Please provide sufficient detail to assist in locating the public records you are seeking]

Type of Record(s): _____

Date or Date Range of Records: _____

Additional Information: _____

I understand that the SGPWA will respond to all Public Records Act requests in compliance with State law.

For copies of the above-listed public records, I understand the SGPWA copying fees will apply or statutory fees for copying may apply. I understand that I will be responsible for payment of all copying fees in advance of delivery of any requested copies. I also understand that the SGPWA has 10 days to determine if the request seeks disclosable records in the SGPWA's possession. In some instances, the time may be extended by written notice if additional time is required to search for and collect the requested information. If more than fifty (50) pages are requested, the SGPWA may require a deposit before making copies.

Name of Requester: _____

Address: _____

Phone/Fax/E-Mail: _____

PUBLIC RECORD REQUEST FORM

FOR STAFF USE ONLY:

Copy(ies) Provided? Yes No Partial

Method of Delivery. Date

List any requested document or portion of a document that is exempt from disclosure and was not copied or was redacted and list the exemption (i.e., personnel files, attorney/client privilege documents, preliminary drafts, pending litigation, etc.) [attach additional pages if necessary]:

Horizontal lines for exemption details.

Estimated Copy Charges:

Amount of Deposit (if required):

Refund/Additional Payment:

Total Payment Received:

(If Applicable) Request by SGPWA for Clarification Date:

Horizontal lines for clarification request details.

(If Applicable) Additional Information Received by SGPWA Date:

Horizontal lines for additional information details.

(Optional) Amount of SGPWA staff time spent and description of tasks involved in responding to request (gathering and examining records, preparing copies, monitoring inspection of original documents, etc.):

Horizontal lines for staff time and tasks description.

Request Completed: by Date

Signature:

**PUBLIC RECORDS REQUEST
EXHIBIT "B"
SCHEDULE OF SGPWA COPYING FEES**

Description	Price
Black & White Copy Price per Page – Standard Letter Size (8 1/2" x 11")	10¢ per page
Black & White Copy Price per Page - Legal Size (8 1/2" X 14")	10¢ per page
Color Copy Price per Page – Standard Letter Size (8 1/2" x 11")	25¢ per page
Color Copy Price per Page - Legal Size (8 1/2" X 14")	25¢ per page
Copy charges for oversized documents that must be outsourced for duplication/reproduction	Actual cost
Cost for providing electronic Public Records, when such records are specifically requested in electronic format, shall be calculated by the SGPWA in accordance with Government Code Section 6253.9, as it may be amended from time to time.	Per Gov. Code Section 6253.9
Copy charge for duplication of CDs or DVDs	\$2.00 per CD or DVD
Note : Payment is required in advance of delivery of any requested records.	