

ROWLAND WATER DISTRICT

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 District'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.

PROCEDURE

1. Definitions

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

- (a) "District" shall mean the ROWLAND WATER DISTRICT.
- (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 District's business prepared, owned, used, or retained by the District 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 District by mail, fax, email, telephone or in person.

2. Right to Inspect and/or Receive Copies of Public Records

Disclosable public records of the District may be inspected by any person during the normal business hours of the District offices, in accordance with this policy. Copies of disclosable public records may be obtained by any person, in accordance with the procedures set forth in this policy. Any disclosable portion of a record that can be reasonably separated from any portions of the record that are exempt by law shall be made available for inspection and/or copying after the exempt portions have been deleted. Any request for records and any responding documents may

be subject to review by the District's General 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 District 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 District 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) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the District 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. However, the law of eminent domain shall not be affected by this provision. (Gov. Code § 6254, subd. (h).)
- (e) Computer software developed by a state or local agency is not itself a public record. (Gov. Code § 6254.9.)
- (f) 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.)
- (g) 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).)
- (h) 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.)

- (i) Test questions, scoring keys, and other examination data used to administer an examination for employment are exempt from disclosure. (Gov. Code § 6254, subd. (g).)
- (j) 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.)
- (k) Legal invoices or attorney invoices related to active litigation to which the District is a party, pursuant to the California Supreme Court’s opinion in *Los Angeles County Board of Supervisors v. Superior Court* (2016) 2 Cal. 5th 282.

This partial list of exemptions is subject to existing State and federal law. Any changes in the law are automatically incorporated into this policy. An expanded list of exempt documents and documents which 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

Methods for Submitting Records Requests. Requests for records may be submitted to the District in person, by mail, by email, by telephone and by fax. Verbal records requests are often submitted in person or by telephone. However, if a member of the public tries to submit a records request through social media messages or “posts” on the District’s social media accounts, District staff will advise the person to contact the General Manager’s office to submit their request. Social media sites are not owned, operated or controlled by the District and therefore are not appropriate ways for submitting records requests.

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 District offices are open. Receiving requests during normal business hours helps District staff avoid any delays in responding to requests for inspection and/or copies of District 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 District 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 District encourages members of the public to submit requests for records in writing to the General Manager’s office. Requesters are encouraged (but not required) to use the Public Record Request form attached as Exhibit “A” to this policy. Written requests may be submitted in person, by mail, by fax and by email. Written requests reduce any misunderstandings between the requester and District staff, which allows District staff to respond to records requests in a timely manner and

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

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

Requests Should Clearly Identify the Records. The requester should specify the records to be inspected/copied with sufficient detail to enable the District to identify the particular records. If the request seems ambiguous or unfocused, District 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, District 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. Providing Public Records for Inspection

Upon receipt of a request to inspect District records, District staff shall make disclosable public records promptly available whenever possible. If any requested records must be reviewed and, if necessary, redacted prior to making the records available for inspection, District staff will notify the requester of the estimated date when such records will be available for inspection. District staff will also work with the requester to schedule a date and time during regular business hours to inspect the requested records at the District offices. A District employee will be present during any inspection of records to assist the requester and to ensure the protection of original records.

If District staff members are not certain whether the records requested for inspection are in the District's possession, or whether the requested records (in whole or in part) are disclosable, the District will, within 10 days, make a determination regarding the requested records and will provide the determination and the reasons for it in writing to the requester.

6. Providing Copies of Public Records

After receiving a request for copies of District records, District staff shall make copies of disclosable public records promptly available, whenever possible, upon receipt of payment for the copies. If the requester wants the copies mailed, District will advise him/her of any added costs for mailing the copies.

If District staff members are not certain whether the records requested for copying are in the District's possession, or whether the requested records (in whole or in part) are disclosable, the District will, within 10 days, make a determination regarding the requested records and will provide the determination and the reasons for it in writing to the requester.

7. Taking Time Extensions for Providing Determinations on Records Requests

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) 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 District 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.

8. Requests for Electronic Communications From Personal Accounts and/or Devices

From time to time, the District may receive records requests that seek electronic communications regarding District business from the personal accounts and/or personal electronic devices of District elected officials and/or District employees. Upon receipt of such a records request, the General Manager and all affected District employees and District elected officials shall follow the provisions of the District's "Electronic Communications Guidelines" in responding to such requests.

9. Fees for Copies

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

EXHIBIT "A"

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: _____

Incident Location (if applicable): _____

Additional Information: _____

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

For copies of the above-listed public records, I understand the District 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 District has 10 days to determine if the request seeks disclosable records in the District'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 District may require a deposit before making copies.

Name/Signature of Requester (Optional) _____

Address: _____

Phone/Fax/EMail: _____

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

Description	Price
Copy Price per Page – Standard Letter Size (8 1/2" x 11")	10¢ per page
Copy Price per Page - Legal Size (8 1/2" X 14")	10¢ per page
Copy charges for oversized documents that must be outsourced for duplication/reproduction	Actual cost
Price for Public Records in electronic format, including DVD of public meetings, when requested in electronic format, shall be calculated by the District 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 DVD	\$3.00 per DVD
Note : Payment is required in advance of delivery of any requested records.	

All fees are in compliance with the District's fee schedule and are subject to change as the fee schedule is updated.