SUBJECT: CLAREMONT RELEASE OF PUBLIC RECORDS POLICY

PURPOSE: To establish guidelines for the release of public records pursuant to the California Public Records Act (Government Code Section 6250 et seq.)

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General Policy: In accordance with Government Code Section 6253.4, which allows public agencies to establish written guidelines to be followed when making public records available, this policy is established to provide City employees general guidelines for the handling of requests for review of identifiable and disclosable records to the public in a practical and efficient manner.

Provisions:

A.   Definitions

    1.   California Public Records Act (CPRA): Government Code Sections 6250 et seq. which allows "access to information concerning the conduct of the people's business".

    2.   Public record: any final writing containing information relating to the conduct of the public's business prepared owned, used, or retained by the City in accordance with the City's retention schedule, regardless of physical form or characteristics.

    3.   Disclosable record: a record that meets the criteria for disclosure as set forth in the CPRA.

    4.   Exempt record: a record that falls into a category of specific exemptions as set forth in the CPRA, or is otherwise exempt from disclosure.

    5.   Deliberative process: the process by which a public official discusses and considers a matter before making a decision or reaching a conclusion.

    6.   Readily available records: records that do not require staff research to locate; significant duplication; and/or redaction.

B.   Process for Receiving Requests

Every request for records shall be processed in compliance with the CPRA. Oral or written requests for readily available information may be handled by individual departments. Requests for records not readily available should be documented in writing by the requestor or by staff members receiving the request. All such requests shall be forwarded to the City Clerk's office for coordination and response.

Requests should be specific and sufficiently focused to describe an identifiable record or records and to meet the requirements of the CPRA. Requests for the wholesale production of certain general documents shall be reviewed in light of the Rogers v. Superior Court (1993) 19 Cal.App4th 469 decision, which held that requests must be specific and limited to identifiable records.

Staff shall assist requestors in identifying records and information when the purpose of the request is stated and a description of certain information technology or physical location of a document elsewhere, for example, will be helpful in locating the information sought, in accordance with AB1014. If the requested record does not exist, the CPRA does not require the creation of such a record and as such, the City will not create the record.

Note: CPRA requests concerning Police Department documents shall be referred to the Captain of the Administrative Services Division.

C.   Procedure for Release of Disclosable Public Records

The city clerk will determine within 10 days of receipt of the request whether the records are disclosable and if so, will provide the requestor a time frame in which the records will be made available. Upon determination that a record is a disclosable public record and not exempt, the record shall be made available to the requestor as follows:

1.   Readily available information will be either disclosed immediately or within 24 hours of the request.

2.   Information that requires research, significant duplication, and/or redaction shall be disclosed as soon as reasonably possible. It shall be staff's goal to make such records available within 7 to 10 days of receipt of the request. In cases where disclosable records may be stored off-site or extensive duplication and/or redaction is required, it will be staff's goal to make such records available as soon as possible but at no time later than 30 days from receipt of the request.

The city clerk may find it necessary to contact other departments to conduct a search for information. The city clerk will identify a representative in each department and/or division to coordinate the search for records in their respective areas. The city clerk will submit a request for information to all representatives to obtain all available information. The affected department will assess the length of time necessary for the research, duplication and/or redaction of the requested records. The department will forward its estimate of time to the city clerk.

The city clerk shall respond to all written requests in writing and in compliance with the requirements of the CPRA. Requests will be handled in the order received, including requests for additional information; standing or ongoing requests will not be honored, except as required by law.

3.   Records available in electronic format will, when requested, be disclosed in electronic format. The City may recover its actual costs (hourly wage of staff person used to construct the record, extract and/or program – figured in 15 minute increments) to produce the electronic record in accordance with Section 6253.9.

4.   A copy of all hard copy documents will be made available at the City's standard copying charge. The City shall also recover mailing charges when applicable.

D.   Redaction of Information from Disclosable Public Records

The CPRA exempts particular records from disclosure. To the extent that exempt information is contained in a disclosable document, the City will redact the exempt information prior to release of the document. The city clerk and city attorney shall be consulted before releasing copies of documents where information is redacted. Attachment A lists the information not required to be disclosed under the CPRA that will be redacted from copies of documents prior to disclosure.

E.   General Exemptions

A list of exemptions most commonly addressed by local government is included as Attachment B.

F.   Non-exempt Public Records

The records described in Attachment C shall be disclosed under all circumstances but are subject to the City's redaction policy.

Attachment A   Redacted Information
Attachment B   General Exemptions
Attachment C   Non-Exempt Public Records

Revisions:
11-26-01 (new policy)

ATTACHMENT A

REDACTED INFORMATION

The following information, which is not required to be disclosed under the CPRA, shall be redacted from copies of documents prior to disclosure:

- Personal information (such as home address, home phone number and social security number) will be redacted when it is determined that disclosure would violate one's right to privacy. (6255)

- Information protected by the deliberative process privilege. (6254(k) and 6255) In cases where this privilege is invoked, "DP" shall be noted by the person asserting the privilege and the protected information shall be redacted from any document before the document is disclosed when the privilege legally applies.

- City cell phone numbers and all numbers called from City cell phones and/or landlines will be redacted when it is determined that disclosure would violate one's right to privacy or jeopardize business information which could result in fraud or misuse of account numbers for illegal purposes. Area codes and prefixes will be disclosed. (6255)

- Credit card account numbers or account numbers of a similar type will be redacted if disclosure could jeopardize business information which could result in fraud or misuse of account numbers for illegal purposes. (6255)

- Other information not subject to disclosure under the CPRA.

<u>ATTACHMENT B</u>

GENERAL EXEMPTIONS

The CPRA provides that the records listed below are not subject to disclosure:

- Initiative, referendum, recall petitions (6253.5)

- Preliminary drafts of reports, letters and memoranda, notes, interdepartmental memos and e-mails which are not retained by the City in its ordinary course of business (6254(a)

- Records regarding pending litigation matters (6254(b) and 6254.25)

- Personnel, medical or similar files (6254(c)
  Salary information may only be disclosed in a manner that does not violate personal privacy rights.

- Arrest records or complaint reports, investigatory or security files, intelligence information, subject to the restrictions of Penal Code Section 841.5 (6254(f)

- Test questions, scoring keys and other examination data used to administer an examination for employment (6254(g)

- Real estate appraisals (6254(h)

- Taxpayer information required in connection with the collection of local taxes that is received in confidence (6254(i)

- Records subject to state or federal law privileges, including but not limited to attorney-client privilege, attorney work-product privilege, and deliberative process privilege (6254(k) and 6255)

- Memorandum and/or e-mail between or among the city manager and city council members when it is deemed that such information is not subject to disclosure pursuant to the deliberative process privilege. (6254(k) and 6255)

- Names, credit histories, usage data, addresses, or telephone numbers of utility customers (6254.16)

Although not explicitly listed as exempt, the City will not disclose the following pursuant to Section 6255:

- Complainants and crime victim's names when disclosure would violate one's right to privacy.

- Screen checks of environmental analysis.

- Closed session memorandum and/or documentation (contracts, settlement agreements, or other documents approved in closed session become disclosable public records after the closed session, and when final approval has been made by all parties to the contract or settlement).

ATTACHMENT C

NON-EXEMPT PUBLIC RECORDS

- Proposed and adopted budgets for this City, or any of its departments, programs, projects, and other similar categories.

- All bills, claims, invoices, vouchers and other records of payment, and records of actual disbursements showing the amount paid, the payee, and purpose of payment.

The exceptions are payments for social, forensic, or other services whose records are expressly made confidential by law.