

## **AP 3300 Public Records Act Requests**

### **References:**

Government Code Sections 6250 et seq.

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail, email, or in person to the Public Information office.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the applicable Vice President may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff member's time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten (10) days, the CEO or his/her designee will coordinate with the Vice President with responsibility for the data requested to determine whether or not the records can be produced and to communicate the determination to the member of the public requesting the record(s) based on the established District format. The CEO's designee will forward the request to the Business Services Department. The Business Services Department will maintain a log of all PRA requests with date received, initial response and all documentation provided.

The District has ten (10) days to acknowledge receipt of the request and provide the timeframe that the information will be provided. There can be a fourteen (14) day extension for unusual circumstances, for a total of twenty-four (24) days to provide the timeframe that the information will be provided.

### **Non-Exempt Records:**

The District shall make the non-exempt records available to any person upon payment of fees covering direct costs of duplication. The District will charge ten cents (10¢) per page copied. The final cost will be communicated as soon as the records are prepared.

Emails related to District business sent from personal email accounts are not exempt.

If a request is made for non-exempt records that reside with an individual who no longer works for the District, or the individual is deceased, the District will make its best effort to secure the information requested. If the individual no longer has the records, or no longer has access to the records, then the individual may sign an affidavit to that effect.

## **Exempt Records:**

The most common exemptions for community colleges include:

- Student and educational records (Gov Code Section 6254(f) and Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
- Records pertaining to pending litigation or to claims until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
- Records protected by attorney-client privilege and attorney work product (Gov Code Section 6254(k))
- Investigative materials (Gov Code Section 6254(f))
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254(g).)
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations...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 agreement obtained. (Government Code Section 6254(h)).
- Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- Home addresses, home telephone number, cellular phone number, and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)
- Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 6254.3(b))
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited

liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. (Government Code Section 6254.33)

Where no specific exemption exists, the District may assert the catch-all exemption; however the District must demonstrate that based on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code Section 6255(a))

**Board Review Date: December 16, 2020**

**Next Review Date: Fall, 2026**