

City Manager's Office
Employee Policy Directive
Issued: August __, 2009



Approved by Jan McClintock
City Manager

Subject: Policy Directive Regarding Procedures for Public Records Act Requests and Requests for Information

Purpose:

This policy provides City staff the information and tools necessary to effectively respond to public record requests in a timely manner.

The California Public Records Act ("CPRA") serves an important purpose, and the City strives to respond to requests for public information in a timely manner. Recently, the quantity and scope of CPRA requests submitted to the City have increased significantly. The goal of this Policy Directive is to ensure that each request is handled in a timely, comprehensive and coordinated manner.

Overview

The CPRA (Government Code Section 6250 *et seq.*) is California's version of the federal Freedom of Information Act. The CPRA requires the City to make public records available for inspection or duplication upon request. A public record includes "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained" by the City.¹ Virtually every document to which you have access as a City employee may be a public record.

However, certain public records are exempt from disclosure under the CPRA.² The majority of the exemptions were formulated to protect the privacy of individuals and confidential materials. Any decision to withhold or otherwise deny access to records responsive to a CPRA request must be made by the City Manager in consultation with the City Attorney.

The City is required to make copies of records "promptly available" to a requester upon payment of fees for photocopying, if applicable. The CPRA requires the City to respond to a request for records within 10 calendar days.³ It should be noted that the City is not required to *produce* the responsive documents within 10 days. The City has a standard response letter for CPRA requests that complies with the requirements of the CPRA.

¹ Government Code Section 6252(e).

² See Government Code Section 6254.

³ Government Code Section 6253(c).

Frequently Asked Questions

Can we require a requesting party to use the City's standard CPRA request form?

No. A valid CPRA request may be made orally or in writing. The request may be made by letter, via email, by telephone, in person, or by any other means. The City's standard CPRA request form is on file with the City Clerk and available on the City's website. City staff should *encourage* a requesting party to utilize the City's standard request form, but the City cannot require a written request. City staff may not limit access to public records based upon the identity or purpose of the requesting party.

Does the City have a duty to assist the requesting party?

Yes. The City has an affirmative duty under the CPRA to help a requesting party identify the records responsive to a CPRA request. City must provide suggestions for overcoming any practical obstacles regarding access to the records or information sought. For example, City staff may be required to identify and help a requesting party access documents maintained electronically or off-site. In addition, City's duty to produce information under the CPRA extends to "reasonably identifiable" documents responsive to a request. In the event that the City receives an unduly broad and/or vague request, staff should work with the requesting party to narrow the scope of the request by identifying specific documents or categories of documents. This cooperation saves staff time and assists the requesting party by ensuring that they receive the desired information without paying for undesired copies.

May the City charge for copies under the CPRA?

Yes. The City may require the payment of fees covering the "direct costs of duplication" prior to the production of responsive documents. Under the CPRA, the City may not charge a requesting party for staff time used to locate documents or process the request. The City's standard copy fees are established by City Council resolution.

Consistent with the CPRA, the City requires payment in advance of photocopying responsive documents. Staff should not make copies of responsive documents or print responsive emails until either payment has been received or the work is authorized by the City Manager.

What if the City has no documents responsive to the request?

The requesting party should be notified that the City has no responsive documents. In certain situations, this may be an appropriate time to "assist the requestor" in an effort to identify documents in the City's possession. Under no circumstances does the CPRA require the City to create a new document to respond to a request.

Processing A CPRA Request

Certain requests may be handled informally by City staff. Requests for Ordinances, Resolutions, Municipal Code Sections, finalized agenda items, building permits, business licenses and minutes from City Council meetings may be filled by City staff upon request. All other CPRA requests must follow three easy steps:

1. Reduce the request to writing: Ideally, a requesting party will fill out the City's standard CPRA request form. If the request is made orally, offer to provide the City's standard form and encourage the requesting party to fill it out. If the requesting party is unwilling to reduce its CPRA request to writing, document the request to the best of your ability on the City's standard form within 8 business hours. Staff should thereafter send a written confirmation of the oral request to the requesting party. This gives the requesting party the ability to correct any misunderstandings related to its request and provides the City with written confirmation of the request.
2. Contact the City Manager's Office. The City Manager and City Clerk are responsible for coordinating and tracking all CPRA requests received by the City. Upon receipt, immediately date-stamp and hand deliver a copy of the CPRA request to the City Manager and City Clerk. The City Manager will thereafter coordinate the 10 day written response to the requesting party, City Attorney review of the responsive documents (if necessary) and production of the responsive documents. All 10 day response letters must be delivered under the City Manager's signature. In the event that a requesting party seeks the inspection of documents, the City Manager or City Clerk will coordinate use of a conference room or other suitable area for the document review. Under no circumstances is a member of the public allowed access to an employee work area to review documents responsive to a CPRA request. Any decision to deny access to City records must be made in writing by the City Manager in consultation with the City Attorney.
3. Gather the Responsive Documents. Upon direction from the City Manager, City staff should begin to gather the documents responsive to the request. The City Manager will coordinate with staff to identify the most practical and efficient method for document collection. Requests that seek a large volume of documents or oversized documents may require additional attention and facilities. Do not produce documents responsive to a CPRA request without consultation with and authorization from the City Manager.

Other Requests for Information

The City encourages staff to provide excellent customer service to the Colusa community and respond promptly to questions raised by members of the public. Lengthy interactions during business hours, however, can distract staff from assigned duties and interfere with City deadlines. In the event that a member of the public desires to meet with a City employee for an extended discussion of specific City issues, the member of the public should be encouraged to schedule an appointment for further discussion at a mutually convenient time. City employees must notify their department head of any meeting

requests and provide the department head with an opportunity to attend and/or participate in the meeting. Similarly, department heads must notify the City Manager of requests for public meetings so that City resources, including staff time, can be allocated appropriately. The City Manager must also be given the opportunity to attend and/or participate in any meetings with the public. Whenever possible based on work loads and availability, City staff should attempt to schedule meetings with members of the public within five working days of a request.

Compliance with this Policy Directive will ensure that all City information and document requests are handled in a timely, comprehensive and coordinated manner. If you have any questions related to this Policy Directive, please contact the City Manager.