Subject

CALIFORNIA PUBLIC RECORDS ACT REQUESTS

Purpose

To establish a procedure for requests of LAFCO public records subject to disclosure per the California Public Records Act (Government Code Section 6250, et seq.).

Background

The California State Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. [Government Code Section 6250]

The California Public Records Act (Government Code Section 6250, et seq.) provides statutory direction regarding the types of public records available for inspection and subject to disclosure; the timelines for compliance with records requests; and the types of public records that are exempt from disclosure by express provisions of law.

San Diego LAFCO has responsively complied with requests by members of the public for LAFCO public records on a case-by-case basis in accordance with the requirements of the California Public Records Act. Administrative Policy A-104 (California Public Records Act Requests) has been developed to provide clarity and direction for procedural compliance with public records requests per provisions in State Law.

Administrative Policy A-104 states that LAFCO records subject to disclosure are available for public inspection during regular LAFCO office hours (Monday-Friday, 8 a.m. to 5 p.m., except holidays). When copies of LAFCO records are requested, Policy A-104 provides that records not exempt from disclosure will be made promptly available upon payment of fees covering direct LAFCO costs of duplication, including the cost of programming and computer services if produced in an electronic format.

Policy

It is the policy of the San Diego Local Agency Formation Commission to comply with all requests for copies of information by members of the public in accordance with the California Public Records Act [Government Code Section 6250, et seq.].

1. San Diego LAFCO public records subject to disclosure are open to inspection at all times during the regular LAFCO office hours (Monday-Friday, 8 a.m. to 5 p.m., except holidays). Every person has a right to inspect any public record and any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. [Government Code Section 6253(a)]

2. Except with respect to public records exempt from disclosure by express provisions of law, San Diego LAFCO, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication. Upon request, an exact copy shall be provided unless impracticable to do so. For producing non-exempt public records in an electronic format, refer to Policy 6 of Administrative Policy A-104 [Government Code Section 6253(b)]

3. San Diego LAFCO, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of LAFCO and shall promptly notify the person making the request of the determination and the reasons therefor. [Government Code Section 6253(c)]

4. In *unusual circumstances*, the 10 day time limit may be extended by written notice by the LAFCO Executive Officer to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When LAFCO dispatches the determination, and if LAFCO determines that the request seeks disclosable public records, LAFCO shall state the estimated date and time when the records will be made available. [Government Code Section 6253(c)]

5. The Public Records Act states that *"unusual circumstances*" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

    (a) 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.

    (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

    (c) 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 agency having substantial subject matter interest therein.

    (d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data. [Government Code Section 6253(c)]

6. If a requested non-exempt LAFCO public record is in an electronic format, LAFCO will make that information available in an electronic format upon payment of the direct cost of producing a copy of a record in an electronic format, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

    (a) The electronic record is produced only at otherwise regularly scheduled intervals.

    (b) The request would require data compilation, extraction, or programming to produce the record. [Government Code Section 6253.9]

7. LAFCO staff will assist members of the public in making a focused and effective public records request that reasonably describes an identifiable record or records. Accordingly, LAFCO staff will:

(a) 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.

(b) Describe the information technology and physical location in which the records exist.

(c) Provide suggestions for overcoming any practical basis for denying access to non–exempt records or the information sought.. [Government Code Section 6253.1]

8. A LAFCO Public Records Request Form is available for public download from the LAFCO internet website.

Adopted: May 2, 2016