

POLICY AND PROCEDURE

SUBJECT: PUBLIC RECORDS REQUESTS

I. PURPOSE

To establish Rodeo-Hercules Fire Protection District (the “District”) policy and guidelines concerning accessibility of District records under the California Public Records Act (“PRA”).

II. BACKGROUND

§79255.525 of the Government Code provides that every person has a right to inspect any public record except those specifically exempted by law.

“Public record” is defined by law to include any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained b the District regardless of physical form or characteristics.¹

A “writing” for purposes of public access is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or 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 any combination thereof, and record thereby created, regardless of the manner in which the record has been stored.”²

III. POLICY

Records of Rodeo-Hercules Fire Protection District are open to inspection at all times during normal office hours at District headquarters located at 1680 Refugio Valley Road, Hercules, California. Every person has the right to inspect any District record except those records exempted by statute from public disclosure. Nothing in this policy is intended to conflict with or shall be intended to conflict with, the PRA.

¹ California Government Code §7920.530,subd.(a) (formerly California Government Code §6252,subd. (e)).

² California Government Code §7920.545 (formerly California Government Code §6252, subd (e)).

IV. PROCEDURE

- A. The attached Public Records Request form should be completed by the requestor for all requests to view or photocopy District records other than typical billing and account information. This form must be submitted to the District's Executive Assistant for processing and consideration.
- B. Requests must be for records in the District's possession. Requests must reasonably describe identifiable records or else processing may be delayed for further clarification. District staff may assist you in identifying records and information that are responsive to your request or to the purpose of your request.
- C. When a member of the public requests the inspection of a public record, or requests a copy of a public record, and to the extent such records are not exempt, the Administrative staff shall, to the extent reasonable, assist the individual in identifying records that are responsive, describe the information technology in which the record exists, and provide suggestions for overcoming any practical basis for denying access to the record.
- D. Administrative staff will respond to a records request promptly, but no later than 10 calendar days from receipt of the request, to notify the requestor whether the District has records and an estimate of when they will be disclosed.³ The ten day response period starts on the first calendar day after the date of receipt.⁴ If the tenth day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request.⁵ In accordance with California law, administrative staff may extend the ten day response period for up to fourteen calendar days.⁶ If staff exercises this right, they must do so in writing, stating the reason for the extension and anticipated date of response.⁷
- E. To the extent identifiable public records exist in electronic format, and access to which is not otherwise restricted by law, and to the extent the information is not exempt from disclosure the information shall be made available to the public in such a format, but only if production will not jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained. The person requesting the information shall bear the cost of programming and computer service to produce the record when the District is requested to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals or that request requires data compilation, extraction, or programming to produce.
- F. Upon receipt of a completed Record Request Form and identifying the responsive records, the District will, when appropriate:
 - (1) Indicate the place within which the inspection must be made and the time limitation, if any, for return of the documents.
 - (2) Supervise and assist the requestor in reviewing the records.
 - (3) Provide copies upon request and after payment of appropriate fees.

³ Government Code §7922535, subd(a) formerly Government Code §6253, subd. (c)).

⁴ Civil Code §10.

⁵ Civil Code §11.

⁶ Gov. Code, § 7922.535 (formerly Gov. Code, § 6253, subds. (c)(1)-(4))

⁷ Gov. Code, § 7922.535 (formerly Gov. Code, § 6253, subd. (c)).

G. The District may temporarily deny or restrict inspection of public records under the following circumstances:

- (1) At the time of the request the records are required by District Staff in performing their duties.
- (2) Other persons are inspecting or waiting to inspect the records.
- (3) The records need to be retrieved from storage.
- (4) At the time of the request, supervision of inspection of the records is not possible because of the unavailability of appropriate District personnel.
- (5) A question exists as to the possible exemption of the record from disclosure and the matter must be referred to legal counsel for advice.

H. Any notification of denial of any request for records shall set forth the name and title or position of the District personnel responsible for the denial, and reason for the denial.

V. FEES

A request for a copy of an identifiable public record, for information produced from such a record, or for a certified copy of such a record, must be accompanied by payment of the appropriate fee as determined by District staff based on cost to the District. Any fee established may be modified from time to time by resolution of the District to reflect actual chargeable costs, and any fee schedule developed shall be made available by the District's Administrative staff. Where the State Legislature has established a statutory fee for any given record, the statutory fee shall be charged.

Fees for copies are in accordance with Board Ordinance No. 2022-02 as follows:

Copy Charge:

1. Document copies (8.5 x 11) \$0.20/per page
2. Document copies (8.5 x 14) and larger \$0.20/per page

VI. RECORDS NOT OPEN FOR INSPECTION

The following records are not open for public inspection:

- A. Preliminary drafts, notes or 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 those records clearly outweighs the public interest in disclosure.
- B. Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with §810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled.
- C. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- D. Geological and geophysical data, plant production data, and similar information, relating to utility systems development, or market or crop reports, which are obtained in

confidence from any person.

- E. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.
- F. The contents of real estate appraisals or 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 agreement obtained.
- G. Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
- H. Statements of personal worth or personal financial data required by the District acting in the capacity of a licensing agency and filed by an applicant with the District to establish his personal qualifications for the license, certificate, or permit he seeks.
- I. Memoranda, correspondence, and writings submitted to the District or its Board of Directors by District's legal counsel pursuant to the attorney-client privilege.
- J. The District is prohibited from allowing public access to "trade secrets." "Trade secrets" as used in this context may include, but is not limited to, any formula, plan, pattern, process, tool mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
- K. Records pertaining to a utility customer, except to an agent or authorized family member of the customer in question, governmental or law enforcement agencies when appropriate, or unless disclosure is specifically required by law.
- L. Documents related to Vulnerability Assessment.

The District also possesses the discretion to claim an exemption in those instances where the public interest served by not making the record public clearly outweighs the public interest served by disclosure.