

POLICY TITLE: Public Records Request Act

PUBLIC RECORDS REQUEST

2425.1 Purpose:

The purpose of this policy is to ensure compliance with the California Public Records Act - Government Code Section 7920.000 et seq.

2425.2 Scope:

This policy applies to all requests for inspection of and/or access to copies of Soledad Community Health Care District (SCHCD) documents to which the public has a right to access.

2425.3 Definitions:

- A. "Act" means the California Public Records Act (Government Code §7920.000 et seq.)
- B. "Requester" means a person submitting a PRA Request requesting inspection or copies of a Public Record.
- C. "PRA Request" means a request in any form, and containing the information set forth in Paragraph C of these Procedures, for inspection or copies of a public record.
- D. "Guidelines" means the "Guidelines for Accessibility of the Public Records of the Soledad Community Health Care District".
- E. "Person" includes any natural person, corporation, partnership, firm or association.
- F. "Procedures" means the procedures set forth in this document.
- G. "Public Records" includes any Writing containing information relating to the conduct of the business of the District prepared, owned, used or retained by the District regardless of physical form of characteristics. Public records shall also include any Writings relating to the conduct of the business of the District that may be stored on personal devices or accounts of District officers or employees.
- H. "Writing" means handwriting, typewriting, printing, photo stating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, discs, and other documents. Writing includes computer files and records excluding software developed by the District.

2425.4 Procedure:

A. PRA Request: District staff shall encourage, but not require, any person desiring to inspect the District's public records to submit a written PRA Request on a form approved and provided by the District. The form shall contain the following information to assist District staff in processing the PRA Request:

1. The name, address and contact information for the Requester.

2. A description of the records requested with sufficient specificity to enable District staff to identify and locate the records.
3. Whether the Requester is seeking a copy of the requested records and/or an opportunity to review the records.

B. District's Response to PRA Request

1. All requests will be brought to the attention of the CEO, or in her/his absence, the Board President, at the earliest time practicable after receiving the request.
2. Within ten (10) days of receipt of an Application, the District CEO or Board President must determine if the requested public records are covered by the Act.
3. Once determined the requested information is a public record and is retrievable, the District must notify the Applicant within 10 days of receipt of the Application the timeframe for retrieving and copying the information, and if any fee will be charged.
4. Pursuant to Government Code section 7922.535, the deadline set forth in Paragraph (B)(3) above may be extended by an additional 24 days in the event that the following "unusual circumstances" apply, provided that District staff informs the Requester of the extension within 10 days of receipt of the PRA Request:

C. Documents Exempt from Public Disclosure:

- i. The need to search for and collect the requested records from field facilities or other establishments separate from the office processing the request;
- ii. The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records contained in a single request
- iii. The need to consult with another agency having substantial interest in the request (such as a state agency), or among two or more components of the District (such as two District departments) with substantial interest in the request; or
- iv. Questions of whether any record or portion thereof is exempt from disclosure will be referred to the District's General Counsel who, in consultation with the Board President and CEO, shall be responsible for determining whether exemption should be claimed. The decision of the Chair shall be final, subject to appeal to the District Board at its next regular meeting.
- v. In the case of electronic records, the need to compile data, write programming language or a computer program, or to construct a computer report to extract data.
- vi. The copying of requested Public Records shall be accomplished by the District staff as soon as reasonably practicable after the request without disruption of the normal business of the District.

C. Documents Exempt from Public Disclosure:

1. Under the Act, the District may determine that the record(s) being sought is/are “exempt” from public disclosure. Exempt records include, but are not limited to:

- a. Preliminary drafts that are not retained in the ordinary course of business and for which the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure;
- b. Certain records pertaining to litigation to which the District is party (until the pending litigation or claim has been settled);
- c. Attorney-client communications and attorney work product; and
- d. Personnel, medical, or other similar files the disclosure of which would constitute an unwarranted invasion of personal privacy.

D. Time and Place of Inspection

1. The requested records may be inspected during the normal office hours of the District (8:00 a.m. to 5:00 p.m., Monday through Friday-excluding holidays).
2. The inspection of Public Records is subject to a rule of reason as to time and duration and must be consistent with the efficient functioning of the District office.

E. Fees for Copying and Certifying Records

1. Per the Act, the District may charge the Applicant for any copying requested:
 - a. Twenty five cents (\$.25) per page
 - b. If the requested Writing is a tape, photograph, computer file or other Writing requiring special equipment and/or time to copy, an estimate of the actual cost of duplicating the requested material will be obtained by the District from any available source. The Applicant will deposit the amount of the estimate (which will not be less than (\$.25 per page) with the District prior to copying of the requested Writing.
 - c. Cost of mailing (first class) will also be charged unless the Requester makes arrangements to pick the material up from the District office during normal business hours.
 - d. If a request for copies of public records is likely to require more than 100 pages of copies, in the good faith estimate of District staff, a deposit of \$10 toward the copying charge shall be obtained from the person making the request before copies are made.