



# COUNTY OF EL DORADO, CALIFORNIA

## BOARD OF SUPERVISORS POLICY

Subject:  POLICY TITLE  PROCESSING CALIFORNIA PUBLIC RECORDS ACT REQUESTS	Policy Number:  A-7	Page Number:  1 of 4
	Date Adopted: 01/30/2018	Effective Date: 01/30/2018

### I. PURPOSE

The purpose of this policy is to:

- A. Ensure countywide compliance with California Government Code Section 6250 et. seq. known and cited as the California Public Records Act (CPRA).
- B. Enact a formal process for responding to CPRA request.
- C. Provide general definitions and guidelines as to what constitutes a public record and the utilization of the GovQA Public Records Center to log and track requests for public records.

### II. SCOPE

This policy applies to all county departments, offices and agencies of the El Dorado County Government. This policy supersedes all previously adopted policies concerning Public Records Act requests. This policy does not supersede state law.

### III. POLICY

- A. Any member of the public may request public records through the use of the GovQA "Public Records Center" online portal or by email, letter, fax, or by a verbal request to the corresponding responsible department. The requester is not required to give their name or state the purpose of their inquiry.
- B. Departments shall provide an initial response in writing to requests for inspection and/or copies of public records, as defined below, within 10 calendar days of receipt of the request. In unusual circumstances, the time to make an initial response may be extended up to 14 days (refer to Section IV. Procedure (D) of this policy).
- C. The department shall promptly conduct a reasonable search for the requested records. If a search yields no responsive records, the Department must inform the requester in writing.
- D. The Department shall make and deliver paper copies to the requester upon receipt of fees for copying and/or applicable fees established by Resolution of the Board and/or upload electronic records into the corresponding GovQA entry.



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### III. PROCEDURE

- A. Each Department shall designate an appropriate member of their staff to be responsible for oversight of all CPRA requests received by the department and on a daily basis ensuring compliance with the timelines defined in the CPRA.
- B. Any employee in receipt of a CPRA request submitted via email, US mail, in person or by fax must **immediately** notify the designated staff member in the department responsible for processing CPRA requests and provide the full content of the request. The designated staff shall enter the request into the GovQA system in accordance with established procedures.
- C. CPRA requests that are verbal in nature (by telephone; for example) shall be thoroughly documented by the county employee receiving the request who shall then submit the request to the department staff designated to process CPRA requests. Employees are encouraged to recommend that the requesting party submit their request in writing to ensure the request is clear and to establish a timeline. However, a failure to submit a request in writing does not constitute a legitimate basis for not responding to such requests within the requirements outlined in this policy and the CPRA.
- D. If the request is received after business hours or on a weekend or holiday, the next business day may be considered the date of receipt. If the 10th day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request. In unusual circumstances (as defined in Section 6253(c)(1)-(4)) the time limit may be extended by written notice by the head of the agency or designee to the requestor setting forth the reasons for the extension and the date on which a determination is expected to be dispatched, but not for more than 14 days. The statute does not set forth the deadline for actual production of the requested documents. The CPRA simply states that copies of records must be provided "promptly."
- E. If, after conducting a search for documents and making a preliminary determination that disclosure should be made in response to the request, the Department Head or their designee questions whether the records are exempt from disclosure under the CPRA or otherwise confidential or privileged by law, the Department must promptly submit a Legal Service Request to include the full content of the CPRA request to County Counsel for legal advice prior to responding to the CPRA request.
- F. All responses to a CPRA request must be in writing. In the event responsive records are exempt from disclosure pursuant to Government Code section 6254, the written response must identify by name and title each person responsible for the decision to withhold or redact a record, and state the legal basis for redacting or withholding the record. The written response should not include a log of the records being withheld. The written response does not need to include answers to questions.



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#### IV. DEFINITIONS

- A. "Public Records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of the physical form or characteristics. A "writing" 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 combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." [Government Code Section 6252(g)]
1. A writing in the possession of a local agency, does not automatically constitute a public record.
  2. Public records are not limited to only those documents public officials are required by law to keep.
  3. The CPRA applies to **existing** records. The County is not required to create records in order to respond to a CPRA request.
  4. The record must relate to the conduct of the public's business.
  5. Personal documents that may be in the possession of a local agency are not necessarily public records.
  6. A public agency cannot be required to seek records it does not prepare, own, use, or retain in the conduct of its business. Not included, for example, are documents prepared by a public entity's contractor that have never been transmitted to the county, have not been "prepared" by the public entity, and are not "retained" by the public entity, even though they may have been used by the public entity for public business.
  7. Refer to Government Code section 6254 for CPRA Exemption Categories.
- B. "Designated Staff" means an employee in a county department or agency who serves as the primary responsible party for logging, tracking and responding to public records act requests as directed by the corresponding Department Head.



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### V. REFERENCES

Government Code 6250 et. seq.

### V. RESPONSIBLE DEPARTMENT

County Counsel  
Chief Administrative Office  
Board of Supervisors (Office of the Clerk of the Board)

### VI. DATES ISSUED AND REVISED; SUNSET DATES:

<b>Issue Date:</b>	01/30/2018	<b>Sunset Review Date:</b>	01/30/2022
<b>Revision Date:</b>	N/A	<b>Sunset Review Date:</b>	