

PUBLIC RECORDS

I. REFERENCE

California Public Records Act. The text of the law can be obtained from the reference section of the Central Library.

II. BACKGROUND

The University supports the principle that every citizen has a right to information concerning the conduct of business in a public University.

The California Public Records Act (CPRA) applies to University records and grants access to information concerning the conduct of University business.

Questions or interpretations of the law should be directed to one of the Records Advisors listed in PPM 480-3, *Supplement I*.

III. DEFINITIONS

A. Public Records

All papers, maps, documents, films, photographs, mag or paper tapes or cards, discs, and other documents containing information relating to the conduct of University business.

Listed below are a few examples of public records:

1. Minutes of most meetings.
2. Completed Purchase Orders.
3. Construction bids after contract has been let.
4. Employment contract which would include current rate of pay, source of funds, current job description, percent of time.
5. Campus phone directory.

B. Records Not Public

1. Any record for which it can be demonstrated that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.
2. Preliminary drafts, notes or intra-University memoranda not retained by the University in the ordinary course of business, provided that the public interest served in withholding such material clearly outweighs the public interest in disclosure.
3. Records pertaining to pending litigation to which the University is a party.
4. Records or complaints to, or investigations conducted by, the campus Police Department or other agencies for correctional or law enforcement purposes.

5. Test questions, scoring keys, and other examination data.
6. Real estate appraisals, engineering feasibility estimates and evaluations, relative to the acquisition of property, or public supply and construction contracts, until all of the property has been acquired or contract agreement obtained.
7. Library and museum materials acquired and presented solely for reference or exhibition.
8. Any record, the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including provisions of the evidence code relating to the physician-patient, psycho-therapist-patient, lawyer-client, and official confidential privileges.
9. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

IV. PROTECTION OF PERSONAL PRIVACY

Prior to release of public information, the material *must* be reviewed carefully to make certain that it does not contain any information about a particular individual that could be defined as "personal information" under the Information Practices Act.

The Records Advisor should be consulted when trying to make a determination as to whether material should be released or not.

Where discretion is allowed, the protection of privacy should override the option to disclose.

V. GUIDELINES FOR INSPECTION AND RELEASE OF PUBLIC RECORDS

- A. The request for information should be in writing and specific enough to locate the record.
- B. The record holder must determine within 10 working days whether to grant or deny the request.

In "unusual circumstances", the 10 day time limit may be extended by 10 working days if the reasons for the delay and the date on which a determination is expected are specified. Unusual circumstances are limited to the following:

1. 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.
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
3. The need for consultation with another agency having a substantial interest in the determination of the request or among two or more departments having substantial subject matter interest therein.

Notification of denial of any request for records must be in writing and must state the reason for denial and the names and titles of each person responsible for the denial.

- C.** Public records must be open for inspection during regular office hours and copies must be made available promptly when a requestor has a right to them.
- D.** The following actual costs may be recovered by the record holder:
 - 1. Staff time spent constructing new records from various source documents (i.e., in order to supply the requested information, data from a variety of source documents has to be extracted and combined to form an entirely new record.)
 - 2. Staff time spent deleting "personal" or "confidential" information (in accordance with the Information Practices Act) prior to release of existing records.
 - 3. Computer services.
 - 4. Fees for duplicating tapes.
 - 5. Record Holders may charge 10¢ / page or 10¢ / extract for copying costs plus the time of the employee doing the photocopying.
- E.** The following expenses may not be recovered by the record holder:
 - 1. Locating, reviewing, or assembling records.
 - 2. Annotating or explaining a record in order to make it reasonably comprehensible.
 - 3. Postage.

It is preferable for payment to be made prior to or at the time of delivery of the material. Checks are to be made out to the Regents of the University of California. All funds collected are to be deposited with the campus cashier.

- F.** Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.
- G.** Prior to disclosing an otherwise exempt record to a federal agency, the federal agency must agree in writing to comply with the provisions of the California Public Records Act.