

ADMINISTRATIVE ORDER NUMBER 5-2

SUBJECT: DEFINITION OF PUBLIC RECORD

Responsible Department: City Clerk

Date Issued: 12-01-1998

Date Revised: 01-05-2018

Approved: (*Signature on File*)

Purpose

The purpose of this policy is to define a public record and establish a procedure for making such records available to the general public when not exempt from disclosure.

Procedures

1. A public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristics.
2. Except with respect to public records exempt from disclosure by express provisions of law, public records are open to inspection at all times during regular office hours.
3. Except with respect to public records exempt from disclosure by express provisions of law, upon request for a copy of reasonably identifiable records and the payment of fees covering direct costs of duplication as set forth in the Master Fee Schedule, the City Attorney's Office will make the records promptly available to the requester. Computer data will be provided in a form determined by the respective department.
4. Any request to inspect or copy any public record(s) shall be immediately referred to the respective department's Public Records Act (PRA) Coordinator and the City Attorney's Central Coordinator (as referenced in AO 8-4). The City Attorney's Office, with the assistance of the department, will determine whether (i) the record may be exempt, in whole or in part, from disclosure by express provisions of law; (ii) the records may be maintained by another department; or (iii) reasons exist which prevent staff from making the records promptly available. The City Attorney's Central Coordinator will notify the requester of the determination and the reasons therefore within 10 days of staff's receipt of the request. Access to the Form 700 is not subject to the PRA procedures and such requests are required to be made available to the public as soon as practicable, and in no event later than the second business day following receipt of the request.

5. The Public Records Act (commencing with Section 6250 of the Government Code) contains provisions exempting certain public records from disclosure, such as personnel records, and identifies other statutes that may operate to exempt certain records. These provisions and statutes listed may not be inclusive of all exemptions. Staff should forward all existing documents that may be potentially responsive to a particular request to the City Attorney's Office for review.
6. If you receive a PRA request for records not maintained in your department, or records contained in your department and other departments, you should send the request to the City Attorney's Central Coordinator who will coordinate the City's response to the requester.
7. It is important that departments keep accurate records of requests received and processed for the duration of the retention period.