

BP 1340

Access to District Records

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account. The Superintendent or designee may, but is not required to, disclose records not required by law or create synthesize, summarize, or create new records in response to a public records act request.

The district may charge for copies of public records or other materials requested by individuals or groups to the extent permitted by the California Public Records Act. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

In order to help maintain the security of district records, members of the public that view records in a district facility shall do so in the presence of a district staff member.

Definitions

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. The location of a physical writing (e.g., classroom, district office, private residence) and the location of an electronic writing (e.g., server, computer hard drive) is irrelevant to whether a record is considered public.

Writing means 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.

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment.

Redaction

When disclosing any record, the Superintendent or designee shall ensure that information is redacted from that record as required by law. Information that shall be redacted includes, but is not limited to, personal information such as an employee's home address, home telephone number, social security number, personal cell phone number, or birth date.

Exemptions

Records to which the members of the public shall not have access include, but are not limited to, the following categories of records:

- Student records
- Records related to pending litigation
- Attorney-client communications
- Employee records
- records protected by State or Federal law.

Additionally, the district shall not disclose any record for which the district can demonstrate that, based on the particulars of that record and the underlying request, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. This may include records necessary to exemption from disclosure in order for the district to function in a reasonably efficient manner.

Access to District Records

Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure.

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision.

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request:

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, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available.

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so.

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

In addition to maintaining public records for public inspection during district office hours, the

district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy.

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. ~~The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies.~~

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified. If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.
2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Any notification denying a request for public records shall state the name and title of each person responsible for the denial.

Reasonable Effort

In response to a public records request that seeks disclosable records, the Superintendent or designee shall make reasonable efforts to locate the requested records. With respect to physical

and electronic records in the possession of the District, reasonable efforts may include, but are not limited to:

- Identifying a single individual to search for and locate responsive records
- Directing the District's IT department to search the electronic records of employees, after providing notice to employees, and locate responsive records
- Directing school site employees to search for and locate responsive records and provide instructions on the process to use to conduct the search

With respect to physical and electronic records not in the possession of the District, reasonable efforts may include, but are not limited to, directing employees to search for and locate responsive records in their possession and provide instructions on the process to use to conduct the search.