
Administrative Procedure
Chapter 3 – General Institution

AP 3300 PUBLIC RECORDS

References:

Government Code Sections 7920.000 et seq.

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail, by e-mail or in person to the Director of Administrative and Business Services' office.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Director of Administrative and Business Services' or designee may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff the time to assemble the records and identify any records, or portions thereof, that may be exempt from disclosure.

- A. Records may be inspected during normal business hours.
- B. A College Staff member will be present during any inspection of records.
- C. Records may not be removed from College premises for inspection.

Staff shall clarify with the member of the public the nature of his/her/ request in order to reasonably identify record or records.

Upon receipt of a request for copies of one or more records, within 10 calendar days, the Director of Administrative and Business Services or designee will determine whether the records can be produced and will promptly communicate the determination to the member of the public requesting the record(s). In unusual circumstances, the timeline may be extended by an additional 14 calendar days.

- A. If the documents requested are determined to be disclosable public records, the Director of Administrative and Business Services or designee will inform the requester of the estimated date they will be ready.
 - 1. If the documents are posted on the College's website, the Director of Administrative and Business Services or designee will direct the requester to the location on the website.

2. If, despite the availability of a record on the College's website, the requester seeks a copy of the record due to an inability to access or reproduce the record from the website, the Director of Administrative and Business Services or designee will promptly provide a copy of the record upon payment of the applicable copying charge.

- B. If the documents requested are determined not to be disclosable, in whole or in part, the notification of denial shall be in writing and shall set forth the names and titles or positions of each person responsible for the denial.

Public records may be made available in paper or electronic format. Copies of records shall be made available to any person upon payment of a fee covering direct costs of duplication which have been established at 25 cents per paper (photocopied).

- A. The direct costs of duplication do not include the cost to the College of searching for, reviewing, and redacting responsive records.
- B. With respect to records requested in electronic format, the requester shall bear the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record, if the electronic record is one that is produced only at otherwise regularly scheduled intervals, or the request would require data compilation, extraction, or programming to produce the record.
- C. No fee shall be charged for copies of Form 700 Statements.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Personally Identifiable Information (PII) must be redacted from records before they are disclosed to the public. Any questions about whether a document is exempt from disclosure shall be referred to legal counsel.

- A. The most common exemptions for community colleges include, but are not limited to:
 1. Student records (Education Code Section 76243)
 2. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the College in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 7927.500)
 3. Records pertaining to pending litigation or to claims until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 7927.500)

4. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code Section 7927.500)
5. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination (except for standardized tests provided for by Education Code Sections 99150 et seq.). (Government Code Section 7927.500)
6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations related to the acquisition of property, or to prospective public supply and construction contracts, until all the property has been acquired or all the contract agreement obtained. (Government Code Section 7927.500)
7. Internet posting of home addresses or telephone numbers of local elected officials. (Government Code Section 7928.205)
8. Home addresses, home and personal cellular telephone numbers of employees (other than to an agent or family member of the employee, to an officer of another school or college district when necessary, to an employee organization, or to an agency or employee of a health benefit plan), and employee birthdates. (Government Code Section 7928.300)
9. Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 7928.300)

Records regarding alternative investments (e.g., an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.

10. Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
11. Attorney-client confidential communications or attorney work product. (Government Code Section 6254 subdivision (k), 6276.04; Evidence Code Sections 952, 954)

Public records include electronic communications that relate in a substantive way to the conduct of the public's business, including but not limited to e-mails, voicemails, and text messages on elected officials' and employees' private devices or accounts.

- A. The Director of Administrative and Business Services' or designee shall make a reasonable effort to locate records on private devices or accounts.
- B. Director of Administrative and Business Services' or designee shall promptly communicate the request to employees and/or elected officials who may have responsive material on their personal devices or accounts.
- C. The elected official or employee will search their own personal devices and accounts for responsive material and will respond to the Director of Administrative and Business Services' or designee with their results.
- D. Any elected official or employee who withholds personal records shall submit a declaration with facts sufficient to show that the withheld information is not a public record under the law.
- E. The Director of Administrative and Business Services' or designee shall arrange for appropriate training on distinguishing between public records and personal records for employees and officials who may be required to search their personal devices or accounts for responsive material.

Also see BP 3300 Public Records; BP/AP 5040 Student Records, Directory Information, and Privacy; AP 5045 Student Records – Challenging Content and Access Log; and AP 7145 Personnel Files.

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