

PUBLIC RECORDS

Reference: Government Code Sections 6250 et seq. (California Public Records Act)

Overview

Members of the public may request to inspect or copy public records that are in the possession of Southwestern Community College District. A request by a member of the public may be delivered by mail, email or in person to the Office of the Vice President for Human Resources. Any request for public records received by any other employee or office of the College District shall be immediately forwarded to the Office of the Vice President for Human Resources.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Vice President for Human Resources, or designee, may request it be provided in writing.

The College District may not limit access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; and practical suggestions for overcoming denial of access to the records or information.

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

A copying fee of \$.10 per page will be assessed for documents produced in response to a request for public records.

Records Maintained in Electric Format

When information that constitutes an identifiable public record not exempt from disclosure is maintained by the College District in an electric format, the information shall be made available in an electronic format when requested by any person. The College District shall normally make the information available in PDF format but upon request shall make the information available in the electronic format in which the College District holds the information or uses to create copies for its own use, provided that only versions that preclude altering the contents of the electronic document will be utilized. The requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either (1) the College District would be required to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals, or (2) the

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request would require data compilation, extraction, or programming to produce the record. If neither of the foregoing conditions apply, the requester shall be charged only for the direct cost of producing a copy of a record in an electronic format.

Time for Response to Request for Public Records

Any current public document which is readily available (i.e. policies, Governing Board agendas, catalogs, class schedules, etc.) shall not require an official "request for public documents" under the Public Records Act. A verbal or written request to the office or department housing the document shall suffice, and the document shall be made available within 2 business days.

Within ten business days of receiving the request, the Vice President for Human Resources will determine whether or not the records requested are disclosable public documents in the District's possession; and will notify the requestor of the determination in writing. This notification will also include the estimated date and time the disclosable public documents will be made available. When possible, the documents will also be made available within this period of ten business days. Any notification denying a request shall set forth the names and titles or positions of each person responsible for the denial.

In unusual circumstances, the time limit for providing a determination may be extended by no more than 14 days by written notice to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be provided. "Unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular 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 that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Records Exempt from Disclosure

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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. Social security numbers must be redacted from records before they are disclosed to the public.

Categories of documents exempted by law from disclosure include, but are not limited to:

- Student records (Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency 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 6254(a))
- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
- 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 6254(g).)
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h)).
- Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- Home addresses and home telephone number of employees of a school district or county office of education (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.) (Government Code Section 6254.3)
- Records regarding alternative investments (i.e. 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.
- 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.