



Public Records Request

Scope: CITYWIDE

Policy Contact

Emilie Costan

Citywide Records Manager

Office of the City Clerk

(916) 808-5908

ecostan@cityofsacramento.org

Table of Contents

Policy

Definitions

Public Records Processing Procedure

Redaction Procedure

Regulatory References

California Government Code §6250 (California Public Records)

Effective Date: 11/28/2016



Charter Officer Review and Acknowledgement

Public Records Requests

City Manager

City Attorney

City Clerk

City Treasurer

I. Public Access to Information

The California Public Records Act (The Act), Government Code Section 6250, declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person. The Act provides the public the opportunity to monitor the functioning of their government. It is the City's policy to comply with all terms and conditions of The Act. Additionally, the City shall provide expedient and transparent access to readily accessible records.

II. Roles and Responsibilities

All public requests for records shall be received by and/or transferred to, coordinated, and responded to by the Office of the City Clerk. If a request is received by any other department, despite the nature of the request, the request shall be forwarded to the Office of the City Clerk electronically, without delay.

All City staff shall request, although not mandate, the use of the City's Online Public Record Request Portal. When a requestor declines to complete an online form, staff shall complete a form on behalf of the requestor. Requests shall not be refused or denied because the requestor declines to give his or her name, contact information, or state the purpose of their inquiry.

The City Clerk will respond to all requests for information as outlined in California Government Code Section 6250. A response to all requests shall be provided to the requestor within ten (10) days of receipt of the request. Responses shall be in writing whenever the requestor has provided a physical or email address.

III. Fees

Requestor's shall, in accordance with The Act, only be required to pay fees covering the direct cost of duplication and/or mailing. Records shall not be released prior to the payment of these fees. The current fees are set forth in the City's Fee and Charge report.

California Public Records Act

The California Public Records Act is the California law that provides for the public's right to inspect and duplicate most records retained by the City in the course of its business.

Exempt from Disclosure

Records and/or portions of a record that are not permitted or required to be provided to the public based on a provision in state law.

Public Record

Generally, any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics could be a public record. A "writing" is not limited to written or printed documents, but encompasses a broad range of recorded communications including video or audio files; and computer data.

Public Request Coordinator (PRA Coordinator)

A person designated by a department head to coordinate requests for information through the City Clerk's Office on behalf of a City department.

Redaction

Removal of content in a record or series of records that is exempt from disclosure.

Requestor

A requestor is any person or agency who makes a request of the City to view or duplicate records that are open for public inspection. A requestor could be any natural person, corporation, partnership, limited liability company, firm, or association requesting to inspect or duplicate a city record.

All requests for City records fall under the authority of the Office of the City Clerk. The City Clerk is bound to respond to public record requests as outlined by the California Public Record Act (The Act).

I. Receiving and Preparing Requests

Requests for public records, or PRAs, may be made to the City in a variety of methods: the Online Public Records Portal, telephone, mail, in person, or via email. The City may not require that the request be made in writing, require that the requestor provide his or her name, contact information, or the purpose of their inquiry. Staff shall treat all record inquiries as public records requests and whenever possible assist the requestor in using the City's Online Public Record Portal. In the event the request is verbal or the requestor is unable or refuses to complete the online form; staff shall complete a form on their behalf and forward it to the City Clerk's Office.

All requests, regardless of the nature of the request, that are not submitted via the City's Online Public Records Portal shall be forwarded to the City Clerk electronically, and as soon as possible. Requests shall be forwarded to the City Clerk at: records@cityofsacramento.org; voicemail messages may be transferred to (916) 808-5002. In accordance with The Act, the City has only ten (10) calendar days to provide a response to requests for public record. The ten (10) days begin the day the request is received by the City, not when it is received or sent to the City Clerk. Immediate transfer of public records requests to the City Clerk is essential to comply with the requirements of The Act. All public records act requests shall be tracked by the City Clerk in the Public Records Workflow System.

Anytime a request is made that is not clear or does not identify a specific record, the City Clerk shall make all reasonable efforts to assist the requestor in determining what records contain the information the requestor is seeking. If the City Clerk has direct access to the records responsive to the request the City Clerk shall provide the records to the requestor. In the event the City Clerk does not have direct access the City Clerk shall forward a workflow activity, using the Public Records Workflow System, to the appropriate department PRA Coordinator(s) who will compile and upload all potentially responsive records. Department PRA coordinators shall not provide records directly to the requestor unless directed to do so

by the City Clerk. Department PRA Coordinators shall provide records to the City Clerk electronically, via the workflow. If the coordinator is unable to provide electronic records the PRA Coordinator shall immediately contact the City Clerk for direction.

The City Clerk's Office works closely with the City Attorney's Office to ensure appropriate access to information. The City Clerk shall forward workflow activities and records requiring City Attorney review and comment via the Public Records Workflow System. The City Attorney shall provide the City Clerk with recommendations regarding record disclosure and/or redaction. Recommendations from the City Attorney shall include citations of the exemption and/or redaction authority. The City Clerk shall make the final determination of disclosure and/or redaction.

If the requestor identifies themselves as a reporter, or is a known reporter, the request and any documentation provided to the reporter, shall be shared with the affected department's Media and Communication Specialist and/or the City's Public Information Officer.

II. Request Processing

Step	Responsibility	Action
1.	Department Staff	Receives request for City records.
2.	Department Staff	Assists requestor in completing Online Public Records Request Form or notes request and forwards to City Clerk via records@cityofsacramento.org or City Records Line at 808-5002.
3.	City Clerk	Enters forwarded requests into PRA Workflow System.
4.	City Clerk	Gathers all responsive records within their possession.
5.	City Clerk	Creates activities and forwards to department PRA coordinators that have records not in the possession of the City Clerk.
6.	Department PRA Coordinator	Complies records and uploads to PRA Workflow System.

7.	City Clerk	Creates City Attorney workflow activity for any records requiring review for exemption and/or redaction.
8.	City Attorney	Reviews records and responds to City Clerk with recommendations for disclosure.
9.	City Clerk	Prepares documents and responds to requestor.

III. Exemption from Disclosure

The Act exempts particular records from disclosure. The Act also includes a balancing test to determine whether a document is exempt. Under this test, the City must determine on a case-by-case basis whether the public interest in disclosure is outweighed by the public interest in nondisclosure.

Examples of records that may be exempt from disclosure include but are not limited to:

- attorney-client privileged communications;
- attorney work product;
- closed session meeting materials;
- pending litigation records;
- eminent domain proceedings;
- employee personnel and medical files;
- petition signatures;
- social security numbers;
- worker’s compensation information;
- complainant information
- police investigatory records.

IV. Redaction

If a record contains both exempt and nonexempt information, the nonexempt information that can be reasonably segregated from the exempt information shall be disclosed. This can be accomplished by redaction. Redaction is a method of protecting or “covering” certain information so that only the public information is visible to the requestor. All redaction shall be completed by the Office of the City Clerk.

V. Responding to Requests

The California Public Records Act requires that record requests be responded to promptly, but no later than ten (10) calendar days after the receipt of the request. The Act also requires that whenever possible the City Clerk shall provide the requested records as soon as they are available. This does not always mean that the records will be immediately produced for the requestor, although the City Clerk shall not wait until the 10th day to provide a response or records if it can be done sooner. In some instances, a response might be advising the requestor the records are available for their review, notification that the city does not hold any responsive records, or initiating an extension of the response period. Responses shall be done in writing (either traditional mail or email), whenever the requestor can be reached in writing. If the requestor cannot be reached in writing, the City Clerk shall make a note in the Public Records Workflow System of any telephone or in person communication.

Whenever possible, requests for records shall be fulfilled immediately. If unusual circumstances exist such as the need to search or collect records from offsite storage facilities; review voluminous records; consult with another agency, compile data, or establish a program to extract data, the City Clerk may invoke up to a fourteen (14) day extension. If the City Clerk determines that an extension is required to fulfill a request the City Clerk shall inform the requestor of the extension, in writing whenever possible.

All public record requests must be responded to, even when records do not exist or records exist but are exempt from disclosure within ten (10) calendar days. The City Clerk shall notify the requestor in writing whenever possible of the following, as applicable:

- Non-exempt records do not exist.
- Unusual circumstances warrant an extension of time to respond.
- Records exist but are exempt pursuant to an exemption for which a citation of the applicable code or statute will be included.

The City Clerk may offer to provide records to the requestor in an electronic format, such as scanning and emailing the requestor responsive documents. However, the City Clerk may not

require the requestor to accept the record in any format other than the native format of the record requested.

VI. Response Processing

Step	Responsibility	Action
1.	City Clerk	Determines whether the City has responsive documents and an estimated time to provide records to requestor.
2.	City Clerk	Provides written response to the requestor or written 14-day extension letter within 10 days.
3.	City Clerk	Provides partial or full response of documents as soon as they are available.

VII. Response Time Exception (Political Reform Act)

Any report or statement filed pursuant to the Political Reform Act must be made available for inspection or duplication during regular business hours, no later than the second business day following the day in which the request is made.

VIII. Cost

Only fees for copies, as designated in the City’s Master Fee Schedule, may be charged for duplicating records. The copy fee may only include the direct duplication costs, and generally may not include labor costs to gather or prepare records. Copying fees shall be collected prior to the release of records. Staff may not charge the requestor for viewing the records, research, or any other fee that does not relate to the direct duplication cost of the record and/or is included in the City’s fee and charge report.

IX. Retention

Public Record Requests and all correspondence with the requestor are records and shall be maintained by the City Clerk as prescribed in the City’s Record Retention Schedule.

The California Public Records Act provides for the public’s right to inspect and duplicate most records retained by the City in the course of its business. The redaction of public records protects the public interest by preventing the disclosure of privileged and confidential information as permitted in The Act. Records exempt from public disclosure are specified in the California Public Records Act, Government Code (GC) 6250.

I. General

The redaction of any record produced pursuant to California Public Records Act shall be completed by the Office of the City Clerk, unless otherwise delegated by the City Clerk, in writing, to another city official or department. All redactions to records of the City of Sacramento shall be applied digitally to completely remove visible and hidden information or metadata that is protected from the public. If for some reason a record cannot be redacted digitally the City Clerk may permit manual redaction, and shall document any such authorization in writing.

2. Types of Commonly Redacted Information

2.1. Personal or Sensitive Information GC §6255

Sensitive or personal information, such as personal phone numbers, home addresses names of complainants, or account passwords, in which the privacy interests in maintaining the confidentiality of the information outweigh the public interest in disclosure.

Names	First and last names are disclosed unless the person is considered a complainant.
Home Addresses	Home addresses are always redacted.
Phone Numbers	<ul style="list-style-type: none"> • Business phone numbers are disclosed • Cell phone numbers are redacted unless the cell phone number is listed in a business name block.
Email Addresses	<ul style="list-style-type: none"> • Business email addresses (i.e. bsmith@cityofsacramento.org) are disclosed • Personal email addresses – suffix/server information is redacted: <ul style="list-style-type: none"> a) Example: bsmith@gmail.com would have the “@gmail.com” portion redacted: bsmith@gmail.com

Other Commonly Redacted Personal Information	<ul style="list-style-type: none">• HIPAA/Medical Information• Passwords• Names of Police Officers working undercover
--	---

2.2. Preliminary Drafts and Notes *GC §6254(a)*

Draft documents and notes that are not retained by the public agency in the ordinary course of business. Draft documents and notes are transitory records and should not be retained once the final copy is approved. However, if a final copy of a document does not exist, the draft version may still be exempt from public disclosure.

Examples include:

- An individual's notes and lists;
- Preliminary agendas;
- Draft versions;
- Working copies.

2.3 Attorney-Client and Attorney Work Product Privileged Materials *GC §6254(k), EC §954*

Documents that contain attorney-client communications are protected and should not be provided to the public.

Examples include:

- Legal opinions and memoranda;
- Emails and correspondence from Legal Counsel;
- Attorney list serves.

2.4 Pending Litigation *GC §6254(b), 6254.25*

All records pertaining to pending litigation or claims to which the public agency is a party to, until the pending litigation or claim has been finally adjudicated or otherwise settled are exempt from public disclosure.

2.5 Legal Billing Statements *GC §6254(k), EC §950*

The amount of a legal billing statement shall be disclosed to the public; however, the bill itself is a protected record and shall not be provided.

2.6 Utility Customer Information or Utility Usage Data *GC §6254.16*

All commercial and residential utility bills and utility usage data is exempt from public disclosure; however, if the utility customer is a member of a body that approves usage rates for the agency, their data shall be provided. In order to be considered a public record, the customer must be a member of the body that approved rates for their residence or business.

2.7 Amount Paid for Business Operations Tax *GC §6254(i)*

The amount that was paid for the City's Business Operations Tax is exempt from public disclosure; however, other information related to the Business Operations Tax may be a public record.

2.8 Personal Financial Records for License Applications *GC §6254(n), 7470, 7471, 7473*

Information contained in an application for a license that is related to the personal finances of the applicant is protected and shall not be provided to the public.

2.9 Public Contracts: Financial Information Submitted for Bids *GC §6254(a), (h), (k) 6254.15, 6255*

Financial information submitted to the City as part of a bid or proposal is exempt from public disclosure.

2.10 Public Contracts: Trade Secrets *GC §6254(k), 6255 and EC §1060, CC §3426*

Trade secrets and proprietary information in bids and proposals submitted to the City shall not be provided to the public. Requests for proposals should include language instructing potential responders that trade secrets and proprietary information should be clearly identified in the documents submitted.

2.11 Records Regarding the Sale of City Property *GC §6254(h)*

Documents regarding the sale of city and agency property, including all appraisals and offers to purchase, shall not be provided to the public until after the conclusion of the property acquisition.

2.12 Personnel Records *GC §6254(c), 6254.8*

All records related to personnel matters are exempt from disclosure.

Examples include:

- Disciplinary records
- Employee benefit elections
- Personnel Action Requests
- Employee Reviews

2.13 Medical Records (HIPAA)

All medical information is protected from disclosure under the HIPAA Laws. This includes information on injuries and the treatment provided.

2.14 Human Resources: Test Questions, Scoring Keys, and Other Examination Data

GC §6254(g)

Information and records used for testing as part of the hiring process are exempt from public disclosure.

2.15 Accident Reports that are not Law Enforcement Investigations *VC §20012*

Accident reports are not public records but may be made available to certain individuals following confirmation of identity.

2.16 Police Incident and Other Investigatory Records *GC §6254(f)*

Police reports are not public records but may be made available to certain individuals following confirmation of identity.

2.17 Police Officer Personnel File *PC §832.7, 832.8, EC §1043-1045*

All records in a Police Officers personnel file are protected and should not be disclosed to the public.

2.18 Criminal History Information *PC §11142, 13303*

All records regarding personal criminal history are protected and shall not be provided to the public.

2.19 Information in Applications for Licenses to Carry Firearms *GC §6254(u)(i)*

Personal information contained in an application for a license to carry a firearm is exempt from public disclosure.

2.20 Customer Lists Provided to a Police Department *GC §6254(f)*

All information contained in customer lists that are provided to the City by an alarm or security company should not be provided to the public.

2.21 Deliberative Process *GC §6255*

Records, including communications, regarding an elected official's decision making process on a public hearing item may be exempt from public disclosure.

2.22 Records Not Related to City Business

Examples include:

Personal correspondence

Subscriptions and newsletters received from outside businesses and organizations

2.23 Public Interest in not Disclosing Outweighs the Public Interest in Disclosing *GC §6255*

This provision protects confidential information not otherwise specified in The Act.

Examples include:

Information that may cause a security risk

Information that may cause undue harm to an individual

Overly broad (this provision is used only for extreme requests where a member of the public is seeking items such as: every record ever created by a 20-year employee, every document in the City with the word "water", etc.)

3. Redaction Basics

When applying redactions, original text shall not be deleted from a record; protected content shall be hidden with a black or otherwise visible block that easily identifies the area where the redaction has occurred. A version of Adobe Professional or a specialized redaction software tool is required to apply digital redactions.

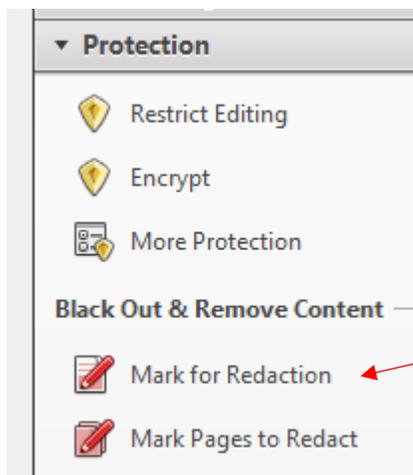
The screen shots and instructions below pertain to Adobe DC. Please note that Adobe has additional materials on redaction in their online help feature that can be accessed from the Adobe Help Menu of their product. These instructions can be used to supplement the instructions shown below or to assist with applying redactions in other versions of Adobe Professional.

3.1. Mark for Redaction

To begin marking content for removal from a document, click the “Mark Content for Permanent Removal” button on the toolbar:



Or the “Mark for Redaction” option under the Protection menu list under Tools:



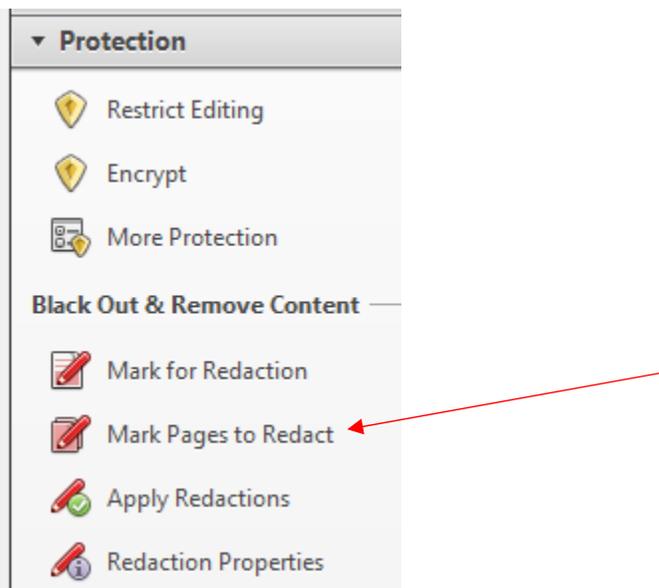
Select the content that you wish to redact by highlighting it.

3.2 Apply Redactions

To apply the redactions marked within the document, click on the “Permanently Remove Marked Content” button on the toolbar:



Or the “Apply Redactions” option under the Protection menu list under Tools:

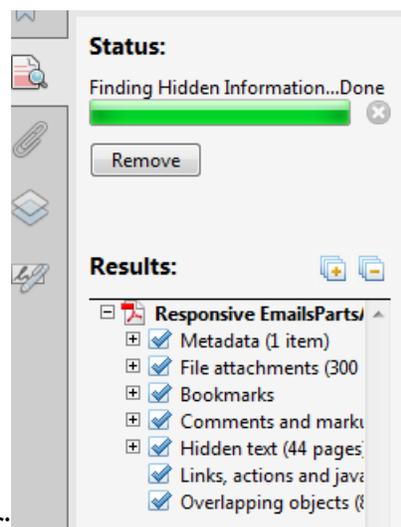


NOTE: It is important at this stage to SAVE the document. If there is an error in the next step (Removing Hidden Information), the redactions applied will not be preserved and will have to be marked again and reapplied.

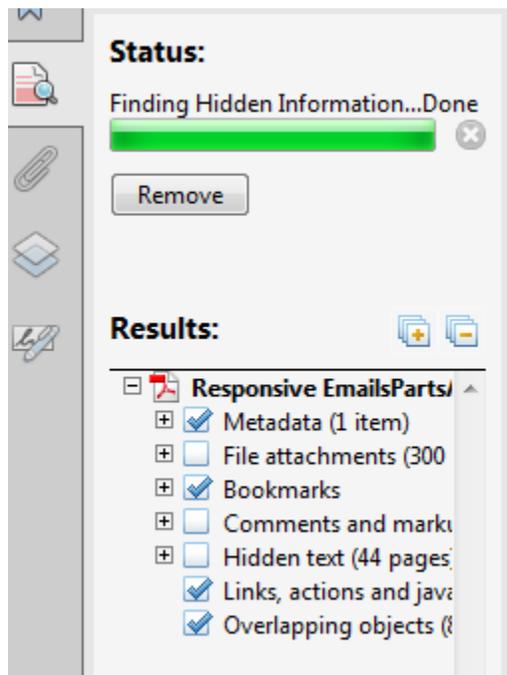
4. Removing Hidden Information

When completing redactions within a document, it is important to remove metadata and other hidden information. However, it is equally important to ensure that certain hidden information is maintained, such as the link to attachments within the document. When redactions have been

applied, the following status bar will appear:



To ensure the link to the attachments is preserved, UNCHECK the boxes for File Attachments, Comments and Markups, and Hidden Text:

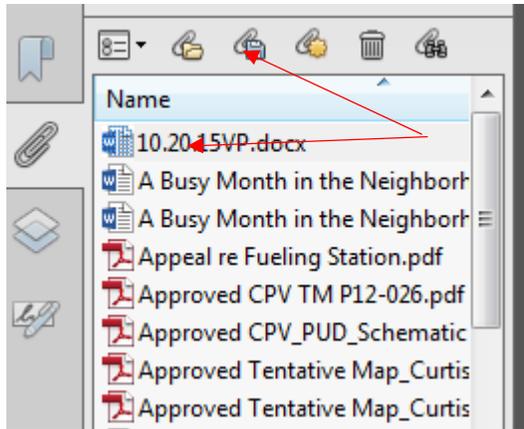


Once the checkmarks above have been deleted, click the “Remove” button to finalize the changes.

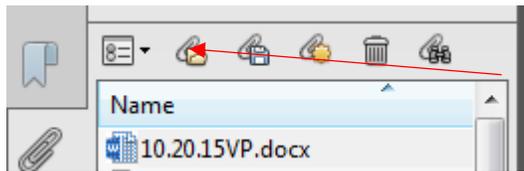
5. Redaction of Email Attachments

If an email attachment has portions needing redactions, open the attachment and redact what is necessary, then save the attachment (the redactions will be saved within the main PDF).

- If the attachment is in a file format other than Adobe PDF (i.e. a Word or Excel document), open the attachment and convert to PDF. Complete the redactions and save the new PDF attachment.
- Click on the Word/Excel attachment from the attachment list and delete it by clicking the trash can:

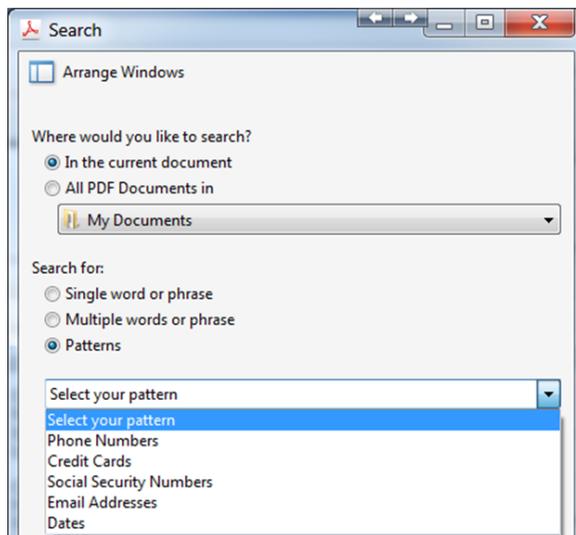


- Click on the “Add a New Attachment” icon to select the redacted PDF that was saved previously:



6. Pattern Searches

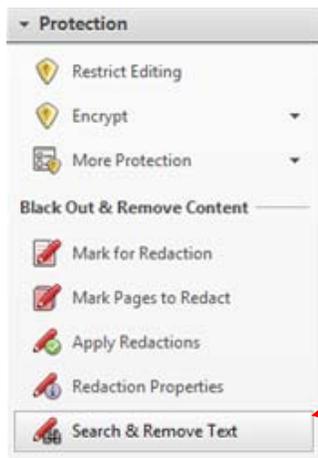
Adobe Acrobat will assist in locating Phone Numbers, Credit Cards, Social Security Numbers, and Email Addresses using the “Search for: Patterns” function:



- To begin click on the “Find Text to Permanently Review” button on the toolbar:



- Or the “Search & Remove Text” option under the Protection menu list under Tools:



Adobe will assist you with navigating to all locations in the document where the specified pattern appears and allow you mark for redaction.