

AP 3300 Public Records

Reference: ***Government Code Sections 6250 et seq.***

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Overview

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 or in person to the Chancellor's Office. The Chancellor will assign the request to the appropriate administrator for routing and response by the appropriate department.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Administrator assigned the request may ask that it be provided in writing. A [Request for Public Record](#) form may be provided.

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

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.

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; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Time for Response to Request for Records

Within ten days, the Administrator assigned the request will determine whether the records can be produced and will communicate the determination to the member of the public requesting the record(s).

Records Exempt from Disclosure

Note: The Public Records Act presumes that all records of a public agency are public, unless specifically exempted by law. There are now well over a hundred exemptions contained in California law, although most will never apply to a community college district. (See Government Code Sections 6254 et seq; 6275 et seq.) Any questions about whether a document is exempt should be referred to District counsel.

The most common exemptions for community colleges include:

- 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 Section 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)
- 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 6254.3(b))
- 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

When information that constitutes an identifiable public record not exempt from disclosure is maintained by the District in an electronic format, the District shall make the information available in an electronic format when requested by any person. The 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 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 District would be required to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals, or (2) the 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.