



Board Policy

Public Records Request

Purpose: To ensure compliance with the Public Records Act - Government Code Section 6250 et seq.

Scope: All requests for inspection of and/or access to copies of PHCD documents to which the public has a right to access.

Definitions:

- A. **"Act"** means the California Public Records Act (Government Code §§6250 et seq.)
- B. **"Applicant"** means a person submitting an Application requesting inspection or copies of a Public Record.
- C. **"Application"** means a request in any form, and containing the information set forth in Paragraph C of these Procedures, for inspection or copies of a public record.
- D. **"Guidelines"** means the "Guidelines for Accessibility of the Public Records of the Peninsula Health Care District".
- E. **"Person"** includes any natural person, corporation, partnership, firm or association.
- F. **"Procedures"** means the procedures set forth in this document.
- G. **"Public Records"** includes any Writing containing information relating to the conduct of the business of the District prepared, owned, used or retained by the District regardless of physical form or characteristics.
- H. **"Writing"** means handwriting, typewriting, printing, photo stating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, discs, and other documents. Writing includes computer files and records excluding software developed by the District.

Procedure:

- A. **Application for Inspection:** Any person desiring to inspect the District's public records shall first complete an "Application for Inspection" or "Copying of Records" form. If a form is not available; the Application may be in any written form, so long as all of the following information is contained in the request:

1. The name, address and contact information for the Applicant.

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2. A description of the records requested with sufficient specificity to enable District staff to identify and locate the records.
3. Whether the Applicant is seeking a copy of the requested records and/or an opportunity to review the records.

B. District's Response to Application for Inspection:

1. All requests will be brought to the attention of the CEO, or in her/his absence, the Board Chair, at the earliest time practicable after receiving the request.
2. Within ten (10) days of receipt of an Application, the District CEO or Board Chair must determine if the requested public records are covered by the Act.
3. Once determined the requested information is a public record and is retrievable, the District must notify the Applicant within 10 days of receipt of the Application the timeframe for retrieving and copying the information, and if any fee will be charged.
4. The copying of requested Public Records shall be accomplished by the District staff as soon as reasonably practicable after the request without disruption of the normal business of the District.

C. Documents Exempt from Public Disclosure:

1. Under the Act, the District may decide that the record being sought is "exempt" from public disclosure. Exempt records include, but are not limited to:
 - a. Preliminary drafts
 - b. Records pertaining to litigation to which the District is party (until the pending litigation or claim has been settled)
 - c. Attorney-client work product
 - d. Personnel or other similar files the disclosure of which would constitute an unwarranted invasion of personal privacy.
2. In the case of unusual circumstances in retrieving the information, the District may extend the ten (10) day time limit by providing written notice to the person making the Application. The notice of extension shall set forth the reasons for the extension and the date on which a determination is expected to be made. Any such extension shall not exceed ten (10) working days. As used in this paragraph, "unusual circumstances" means:
 - a. The need to search for and collect the requested records from offsite storage
 - b. The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records contained in a single request
 - c. The need for consultation, which shall be conducted with practicable speed, with another agency having a substantial interest in the determination of the Application.
 - d. The need for IT consultation to retrieve information from the District's server and/or computer workstations.
3. Questions of whether any record or portion thereof is exempt from disclosure will be referred to the District's General Counsel who, in consultation with the Board

Chair and CEO, shall be responsible for determining whether exemption should be claimed. The decision of the Chair shall be final, subject to appeal to the District Board at its next regular meeting.

D. Time and Place of Inspection

1. The requested records may be inspected during the normal office hours of the District (8:30 a.m. to 5:00 pm, Monday through Friday-excluding holidays).
2. The inspection of Public Records is subject to a rule of reason as to time and duration and must be consistent with the efficient functioning of the District office.

E. Fees for Copying and Certifying Records

1. Per the Act, the District may charge the Applicant for any copying requested:
 - a. Ten cents (\$.10) per page or ten dollars (\$10.00) per audio tape
 - b. If the requested Writing is a tape, photograph, computer file or other Writing requiring special equipment and/or time to copy, an estimate of the actual cost of duplicating the requested material will be obtained by the District from any available source. The Applicant will deposit the amount of the estimate (which will not be less than (\$0.25 per page) with the District prior to copying of the requested Writing.
 - c. Cost of mailing (first class) will also be charged unless the Applicant makes arrangements to pick the material up from the District office during normal business hours.
2. When the applicant desires a certification of such copy (ies) of such records, a fee of ten dollars (\$10.00) will be paid for such certification.
3. If a request for copies of public records is likely to require more than 100 pages of copies, in the good faith estimate of District staff, a deposit of \$10 toward the coping charge shall be obtained from the person making the request before copies are made.