

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

**Community Relations
ACCESS TO RECORDS**Definitions

Public records include any writing containing information relating to the conduct of the County Superintendent's and/or County Board's business prepared, owned, used, or retained by the County Superintendent and/or County Board regardless of physical form or characteristics. (Government Code 6252.)

Writing means any handwriting, typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252.)

A member of the public includes any person, except a County Board member or an agent of the County Board, the County Superintendent or an agent, officer, or employee of the County Superintendent, or a member, an agent, an officer, or an employee of a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment.

Public Records

Records to which the public shall have access include, but are not limited to:

1. Proposed and approved budgets and annual audits. (Education Code 41020.)
2. Statistical compilations.
3. Reports and memoranda.
4. Notices and bulletins.
5. Minutes of public meetings.
6. Meeting agendas. (Government Code 54957.5.)
7. Official communications between the County Superintendent and/or County Board and other governmental agencies.
8. School plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law.
9. Initial proposals of exclusive employee representatives and of the County Superintendent. (Government Code 3547.)

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10. Records pertaining to claims and litigation against the County Superintendent and/or County Board that have been adjudicated or settled. (Government Code 6254, 6254.25.)
11. Statements of economic interests required by the Conflict of Interest Code. (Government Code 81008.)
12. Documents containing names, salaries, and pension benefits of County Superintendent employees.
13. Contracts of employment and settlement agreements. (Government Code 53262.)
14. Instructional materials including, but not limited to, textbooks. (Education Code 49091.10.)

Access to public records of the County Superintendent or County Board shall be granted to County Board members on the same basis as any other member of the public. When County Board members are authorized to access public records in the administration of their duties, the County Superintendent or designee shall not discriminate among any of the County Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.7.)

The County Superintendent or designee shall ensure that any record containing personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, is redacted from that record. (Government Code 6254.29, 6254.3.)

Confidential Records

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code 234.7; Government Code 8310.3)

Records to which the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, and memoranda that are not retained by the County Superintendent or County Board in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure. (Government Code 6254.)
2. Records specifically generated in connection with or prepared for use in litigation to which the County Superintendent or County Board is a party or to respond to claims made against the County Superintendent or County Board pursuant to the Government Code, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law. (Government Code 6254, 6254.25.)

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3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code 6254.)

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of County Superintendent employees may be disclosed only as follows (Government Code 6254.3):

- a. To an agent or a family member of the employee.
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties.
- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed.

Upon written request of any employee, the County Superintendent shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the County Superintendent shall remove this information from any County Superintendent mailing list except a list used exclusively to contact the employee.

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to County Superintendent employees and their enrolled dependents, for the purpose of providing the health services or administering claims for County Superintendent employees and their enrolled dependents.
4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law.
5. Test questions, scoring keys, and other examination data except as provided by law. (Government Code 6254.)
6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the County Superintendent or County Board 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 6254.)
7. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other

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- persons would result in unfair competitive disadvantage to the person supplying the information. (Government Code 6254)
8. Library circulation and patron use records of a borrower or patron, including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to a person acting within the scope of his/her duties in the administration of the library, to a person authorized in writing by the individual to whom the records pertain, or by court order. (Government Code 6254, 6267.)
 9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege. (Government Code 6254/)
 10. Documents prepared by or for the County Superintendent and/or County Board to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt operations and that are for distribution or consideration in closed session. (Government Code 6254.)
 11. Recall petitions or petitions for special elections to fill County Board vacancies, or petitions for the reorganization of school districts and community college districts. (Government Code 6253.5.)
 12. Minutes of County Board meetings held in closed session. (Government Code 54957.2.)
 13. Computer software developed by the County Superintendent. (Government Code 6254.9.)
 14. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, the County Superintendent's information technology system. (Government Code 6254.19.)
 15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act. (Government Code 6254, 6255.)
 16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes.
 17. Records for which the County Superintendent or County Board can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code 6255.)

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Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any record of the County Superintendent or County Board that is not exempt from disclosure. (Government Code 6253.)

Within 10 days of receiving any request to inspect or copy any record, the County Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the County Superintendent's possession. The County Superintendent or designee shall promptly inform the person making the request of his/her determination and reasons for the decision. (Government Code 6253.)

In unusual circumstances, the County Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request (Government Code 6253):

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 which are demanded in a single request.
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or school district) having a substantial interest in the determination of the request or among two or more components of the County Superintendent (e.g., two different programs) with substantial interest in the request.
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data.

If the County Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253.)

Public records are open to inspection at all times during County Superintendent business hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253.)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253.)

The County Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the County Superintendent or designee.

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Without charging any fees or costs, the County Superintendent or designee shall allow members of the public to use their own equipment on County Superintendent/County Board premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code 6253)

1. Do not require the equipment to make physical contact with the record
2. Will not result in damage to the record
3. Will not result in unauthorized access to the County Superintendent's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the County Superintendent's electronic records

County Superintendent or designee may impose any reasonable limit on the use of personal equipment to photograph, copy, or reproduce a disclosable record that is necessary to protect the safety of the records, or to prevent the copying of records from being an unreasonable burden to the orderly function of the office of the County Superintendent and its employees. County Superintendent or designee may also impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records. (Government Code 6253)

In addition to maintaining public records for public inspection during County Superintendent business hours, the County Superintendent and County Board may comply with public records requests by posting any public record on the website maintained by the County Superintendent and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the records from the web site, the County Superintendent or designee shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253.)

If any person requests a public record be provided in an electronic format, the County Superintendent or designee shall make that record available in any electronic format in which it holds the information. A copy of the electronic record in the format requested shall be provided as long as the requested format is one that has been used to create copies for the County Superintendent's or County Board's own use or for use by other agencies. (Government Code 6253.9.)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances (Government Code 6253.9):

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.

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2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the County Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the County Superintendent or designee shall do all of the following (Government Code 6253.1):

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified. If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the County Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.
2. Describe the information technology and physical location in which the records exist.
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Provisions of the Public Records Act shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253.)

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