



<b>Policy Number:</b> 6101
<b>Policy Title:</b> Inspection of Public Records

## 1. Purpose of the Policy

- 1.1. The California Public Records Act grants all individuals important rights to obtain access to records held by public agencies. Fair Oaks Water District (FOWD) adopts this policy to clarify how it will respond to requests for records under the Public Records Act.

## 2. Public Records Request

- 2.1. Requests for public records may be submitted in any form, but staff that receives a request orally must make every effort to memorialize the request in writing on the form approved by the Board of Directors.

- 2.2. The request shall be directed to the General Manager.

- 2.3. FOWD shall respond to public records requests pursuant to the California Public Records Act, codified in Government Code §6250 et. seq ("Public Records Act").

- 2.3.1. Staff will make an initial determination whether the request seeks public records within the possession of FOWD, and shall provide an initial response within 10 days of the request. The initial response will acknowledge receipt of the request and if the request appears to seek disclosable public records, the response will provide an estimated date when the records will be made available. In unusual circumstances, the initial response date can be extended for up to an additional 14 days.

- 2.3.2. Staff will make disclosable records available promptly in accordance with Government Code section 6253.

- 2.3.3. Staff shall review each request and determine whether it seeks identifiable records and, if not, staff shall help the requestor identify records responsive to the request.

- 2.3.4. Staff shall search their files and report whether they have the requested records and, if so, when the records can be made available to the requestor.

- 2.3.5. Staff shall respond to the requestor, advising them in writing of the availability of the documents, and whether any are exempt from disclosure under the Public Records Act. As the Public Records Act requires, to the extent feasible, staff will provide suggestions to overcome any practical basis for denying access to the records sought. If a determination is made that any of the requested records are exempt from disclosure, the requestor will be advised who made the exemption determination.

- 2.3.6. A requestor who asks for electronic versions of documents should be provided with

such documents if they are held in an electronic format. The FOWD is not required to create an electronic version of a document.

- 2.3.7. If a request is made for copies of records, staff shall also advise the requestor of the estimated copying costs. The establishment of the date and time of the public inspection of the requested public records shall be at the discretion of FOWD. The place designated will be at FOWD or location where the public records are officially retained.
- 2.4. In accordance with the Public Records Act, the administrative staff will provide specific, identifiable records but will not research records for particular types of information or analyze information which may be contained in public records.
- 2.5. Administrative staff will respond to requests for public records in accordance with the Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.

### **3. Exemptions**

- 3.1. The FOWD is not required to disclose the following records:
  - 3.1.1. Records prohibited to be disclosed by law such as private information of customers, employees and directors.
  - 3.1.2. Documents related to the security of FOWD water supplies and distribution such as data, plans, drawings, schematics and manuals.
  - 3.1.3. Pending litigation information.
  - 3.1.4. Other records exempt from disclosure according to applicable law.
- 3.2. Staff should seek legal counsel to confirm the basis upon which responsive records are to be withheld, if any.

### **4. Reproduction Costs for Public Records**

- 4.1. Public records that can be reasonably reproduced shall be copied for the public at a charge not to exceed the actual cost of providing the copy. Government Code permits the FOWD to require the payment of fees covering the “direct costs of duplication, or a statutory fee, if applicable.” Staff time spent gathering, reviewing, redacting or producing records is generally not recoverable.
- 4.2. The requesting party shall be billed for copies of records, if applicable, pursuant to the current fee schedule established by FOWD.
- 4.3. If the request necessitates making copies for which the FOWD does not have reproduction equipment, or if the volume of copying required would, in the opinion of the FOWD, impose too great of a burden on FOWD personnel and/or equipment, the FOWD may elect

to have the copying done by a third-party provider, on or off-site, and the requester shall pay the actual cost to the FOWD of such third-party copying service.

- 4.4. The FOWD may require a deposit from the requestor for the estimated fees prior to the requestor receiving the record. The requestor shall pay the fees prior to records being released. Unused balance will be reimbursed to the requestor.