

## **PUBLIC RECORD REQUEST POLICY**

### **PURPOSE:**

To establish the Mid-Peninsula Water District ("District") policy concerning accessibility and processing of District public records.

### **DEFINITIONS:**

Section 6253 of the Government Code provides that every person has a right to inspect any public record except those specifically exempted by law.

The term "Public Record" includes any writing containing information relating to the conduct of the District business prepared, owned, used, or retained by the District.

The term "writing" means handwriting, typewriting, printing, photo-stating, photographing, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, works, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

### **POLICY:**

Records of the District are open to inspection at all times during normal office hours at the District's offices, 3 Dairy Lane, in Belmont, California.

### **PROCEDURE:**

1. All requests to view or photocopy District records other than typical billing and account information shall be forwarded to the District's Administrative Services Manager for processing.
2. When a member of the public requests the inspection of a public records, or requests a copy of a public records, and to the extent such records are not exempt from disclosure, the District's Administrative Services Manager will to the extent reasonable, assist the individual in identifying records that are responsive, describe the information technology in which the records exists, and provide suggestions for overcoming any practical basis for denying the access to the record.
3. To the extent identifiable public records exist in electronic format and access to which is not otherwise restricted by law, and to the extent the information is not exempt from disclosure, the information will be made available to the public in

- such format, but only if the production will not jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained. The person requesting the information shall bear the cost of producing the record, including the cost to construct the record, and the cost of programming and computer service to produce the record when the District is requested to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals or the request requires data compilation, extraction, or programming to produce.
4. District staff shall provide a “Request for Public Record Form” (“Request”) to each individual who requests the inspection or photocopying of District records and shall reasonably assist the individual in completing the form, if so requested.
  5. Upon receipt of a completed Request, the District will, when appropriate and within the applicable time period dictated by law:
    - a. Indicate the place within which the inspection must be made and the time limitation, if any, for the return of the documents.
    - b. Supervise and assist the requestor in reviewing the records.
    - c. Provide links to the records if such records are available on the District's website.
    - d. Provide copies upon request and after payment of the appropriate fees.
  6. The District may extend the response period as provided by law because of the need:
    - a. To search for and collect the requested records from field facilities or other establishments separate from the office processing the request.
    - b. To search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single request.
    - c. To consult with another agency having substantial interest in the request, or among two or more components of the local agency with substantial interest in the request.
    - d. In the case of electronic records, to compile data, write programming language or a computer program, or to construct a computer report to extract the data.

### **FEES:**

A request for a copy of an identifiable public records, for information produced from such a record, or for a certified copy of such a records, must be accompanied by payment of the appropriate fee as determined by District staff based on the cost to the District. Any fee established may be modified from time to time by District staff to reflect actual chargeable costs, and any fee schedule, if developed, shall be made available by the District's Administrative Services Manager.

Where the State Legislature has established a statutory fee for any given records, the statutory fee shall be charged.

### **RECORDS NOT OPEN FOR INSPECTION:**

The following is a representative, but not exhaustive, list of records that are not open for public inspection:

1. Preliminary drafts, notes, or interagency or intra-agency memoranda, which are not retained by the District in the ordinary course of business.
2. Memoranda, correspondence, and writings submitted to the District or its Board of Directors by the District's legal counsel pursuant to the attorney-client privilege, and any other documents that would fall within the attorney-client privilege and/or the attorney work product protection.
3. Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled.
4. Confidential, closed session minute book.
5. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
6. Records pertaining to a utility customer, except to an agent or authorized family member of the customer in questions, governmental or law enforcement agencies when appropriate, or unless disclosure is specifically required by law.
7. Geological and geophysical data, plant production data, and similar information, related to utility systems development, or market or crop reports, which are obtained confidence from another person.
8. Test questions, scoring keys, and other examination data used to administer

a licensing examination, examination for employment, or academic examination.

9. The contents of real estate appraisal or engineering or feasibility estimates and evaluations made for or by the District 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.
10. Records the disclosure of which are exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provision of the Evidence Code related to privilege.
11. Records constituting "trade secrets", which may include, but is not limited to any formula, plan, pattern, process, tool mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, procedure, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
12. Records in which the public interest served by not making the record public clearly outweighs the public interest served by disclosure, where an applicable exemption under the Public Records Act exists, or where the production of such documents would be contrary to law.

## REQUEST FOR PUBLIC RECORDS

Upon receipt of a request for Mid-Peninsula Water District (District) records, the District shall determine within ten (10) days if responsive records are available and notify the requestor of such determination (Government Code Section 6250 et seq.).

**A fee will be charged for any reproduction of a record based on actual District cost.**

### **REQUESTOR:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Date of Request: \_\_\_\_\_

### **DESCRIBE THE SPECIFIC PUBLIC RECORDS REQUESTED:**

#### **FOR OFFICIAL USE ONLY**

Date of Request: \_\_\_\_\_ Date Due: \_\_\_\_\_

Date Requester Notified: \_\_\_\_\_ No. of Copies: \_\_\_\_\_

Copy Fee: \_\_\_\_\_ Total Charges: \_\_\_\_\_