

# Golden State Risk Management Authority

## **PUBLIC RECORDS REQUEST POLICY (*INTERNAL*)**

Adopted March 10, 2004

### POLICY

*The following procedure will be performed regarding a request for inspection or copies of any Golden State Risk Management Authority records. These steps are in accordance with Government Code §§6253, 6253.1.*

1. Requester should articulate clearly and concisely what records are being requested with the assistance of the agency (as required and set forth in Government Code §6253.1). If necessary, requester should do so in writing. Clarify whether the request is for inspection of records only or for copies of records.
2. Public records are open to inspection at all times during the office hours of the agency. Any records (or portions thereof) exempt from disclosure shall not be provided (or shall be deleted with non-exempt portions provided for inspection).
3. Advise person(s) requesting records that pursuant to Government Code §6253 and the policy of Golden State Risk Management Authority that we have up to 10 days to comply with their request and prompt access to the records will be provided. Clarify as to how they wish to receive copies of the information requested (i.e. mail, faxes, etc.). Clarify the location they wish to have records delivered. Explain that the required fees are for direct costs of duplication. Assure them that the Golden State Risk Management Authority will follow the law as outlined in Government Code §§6253, 6253.1 and 6255.
4. Advise the Risk Manager of all details regarding request. If the Risk Manager is not readily available (i.e. within 5 working days), contact the Golden State Risk Management Authority's legal counsel, advise counsel of all details of the request, obtain counsel's direction regarding the request, have counsel put it in writing. Comply with counsel's direction.
5. All requests will be logged in the Public Records Request File with date/time of request, details of request, disposition of request, date/time of disposition request.
6. Compliance with Government Code §§6253, 6253.1 and 6255 is mandatory. Copies of these code sections are attached.

**California Government Code**  
**Division 7: Miscellaneous**  
**Chapter 3.5: Inspection of Public Records**  
**Article 1: General Provisions**

**Section 6253:**

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(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 that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

**Section 6253.1:**

(a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(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.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

(d) This section shall not apply to a request for public records if any of the following applies:

(1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in

**Section 6255:**

(a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.