

PUBLIC RECORDS REQUESTS

POLICY STATEMENT

It is the policy of the City to facilitate an efficient and timely response to all requests for access to, or copies of, public information within reasonable limitations imposed by workload and pursuant to the Public Records Act, California Government Code Sections 6250-6276.48. The Public Records Act requires a response to requests for City records within ten (10) calendar days. In unusual cases (request is voluminous, records are kept off-site, or request requires consultation with other agencies), the City can give written notice that additional time not to exceed fourteen (14) days is needed to respond to the request for records. There are certain exceptions to this requirement, such as a statute of the Political Reform Act, which requires that all Fair Political Practices Commission forms be made available on the second business day after receipt of the forms. If documents are offsite, they will be retrieved as soon as practicable.

The Public Records Act states that requests may be made verbally or in writing, and requests cannot be refused because the request is not in writing or on some standard request form.

Departments may adopt their own implementing policy and procedures for providing documents to the public, subject to approval by the City Attorney and City Manager.

PROCEDURE FOR PROVIDING PUBLIC RECORDS

- A. Any employee receiving a public records request for routine, easily accessible documents (i.e. resolutions, ordinances, contracts, minutes, CMRs, building permits, etc.) may fulfill the request. Routine public records requests are defined as those that require fewer than four hours of staff time and do not have any legal or policy concerns. The Department may elect whether to keep a copy of such a request, as well as a copy of the records given to the requestor. Department Heads are responsible for ensuring that routine records requests are fulfilled within the required timeframe.
- B. If the request is for other than routine records, or involves more than one department, a Request Form (attached) should be filled out and delivered immediately to the City Manager, who will copy the City Clerk, assign to a lead department, and determine whether the City Attorney should be contacted. The request will be forwarded to the Department Director for follow-up and the City Manager will ensure compliance. The City Clerk is responsible for notifying the respective department regarding the ten-calendar day response requirement.

POLICY AND PROCEDURES 1-43/CLK

Effective: September 2004

- C. Upon receipt of a Request Form, the City Manager may refer the request to the City Attorney to recommend an appropriate response. The City Attorney will provide advice on whether or not documents are exempt from public disclosure. The types of exempt documents include, but are not limited to, personnel records, medical records that constitute an unwarranted invasion of personal privacy, records pertaining to litigation, preliminary drafts, notes or inter-agency advisory opinions, recommendations and deliberations, records of complaints to or investigations conducted by any State or local police agency, privileged attorney-client communications, initiative, referendum and recall petitions, or documents where the public interest in non-disclosure significantly outweighs the public interest in disclosing.
- D. The Department will respond to the requestor and retain the request form for reference. The department fulfilling the request shall send a copy of the response letter to the City Clerk without the attachments but specifying the documents provided for reference.
- E. The original copy of the request form and a copy of the response letter along with a complete record of what has been produced or a list of what was copied will be stored in the respective Department within the guidelines set by the Records Retention Schedules.
- F. The City Clerk will keep a master file of the non-routine records requests, in accordance with the guidelines set by the Records Retention Schedules, with request forms and response letters containing a list of the documents provided.

FEES ASSOCIATED WITH RECORDS REQUESTS

- A. The requestor shall be required to pay a fee in advance for copies, in accordance with the Municipal Fee Schedule, prior to the copying of the documents unless the number of copies is too small (10 pages or under) to justify the processing cost of reimbursement.
- B. If a request is made to inspect documents and not for copies, the documents shall be made available for inspection on the premises under direct supervision as soon as practicable.
- C. Copies will not be faxed unless the record(s) are fewer than ten (10) pages.



CITY OF PALO ALTO RECORDS REQUEST FORM

DATE REQUESTED _____

CONTACT INFORMATION:

REQUESTED BY _____

E-MAIL _____

PHONE NO. _____

ADDRESS _____

(Optional)

TYPE OF DOCUMENTS: _____

(Please attach any written request for records to this form)

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FOR OFFICE USE ONLY

DATE/TIME RECEIVED _____ RESPOND BY _____

ASSIGNED TO _____ DEPARTMENT _____

COMPLETED AND DELIVERED ON _____ BY MAIL/PICK-UP
(Circle one)

FEE COLLECTED FOR COPIES _____

COMMENTS: _____

NOTE: This request may include documents exempt from public disclosure. Please forward to the City Attorney _____