



# FAIRVIEW

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## FIRE PROTECTION DISTRICT

**POLICY** NUMBER: 107.1 EFFECTIVE: 1/28/2020  
**Public Records Requests** PAGE 1 OF 4

**I. Purpose.** The Governing Board of the Fairview Fire Protection District recognizes the right of citizens to have access to public records of the District. The Board intends the District to provide any person reasonable access to the public records of the District during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law. This policy will include definitions, restrictions and processes relating to Public Records requests.

## **II. Definitions**

- A. Public Records.** Public records include any writing containing information relating to the conduct of the District's business prepared, owned, used, or retained by the District regardless of physical form or characteristics. (Government Code § 6252)
- B. Writing.** 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)

## **III. Scope of Public Records**

**A. Categories of Public Records.** Absent an applicable exemption or exception, public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved District budgets and annual audits
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Meeting agendas (Government Code § 54957.5)
6. Official communications between the District and other government agencies
7. District plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law
8. Records pertaining to claims and litigation against the District which have been adjudicated or settled (Government Code §§ 6254, 6254.25)
9. Statements of economic interests required by the Conflict of Interest Code (Government Code § 81008)

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10. Documents containing names, salaries, and pension benefits of District employees
11. Employment contracts and settlement agreements (Government Code

**B. Personal Information Redactions.** When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee or Director's home address, home telephone number, social security number, personal cell phone number, or birth date, the General Manager or designee shall ensure that such personal information is redacted from that record.

#### **IV. Confidential Public Records**

**A. Examples of Categories of Confidential Public Records.** Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the District 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 District is a party or to respond to claims made against the District pursuant to the Tort Claims Act, 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)
3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code § 6254)
4. 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)
5. Minutes of Board meetings held in closed session. (Government Code § 54957.2)
6. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes.
7. Any other records for which the District 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)

**B. Segregable Portions.** 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)

#### **V. Inspection of Records and Requests for Copies**

**A. Recommended, Optional Form of Request.** To request public records of the District, members of the public are advised to send the General Manager of the District an email or letter reasonably identifying the desired records subject to the request and specifying whether the requester seeks electronic and/or paper copies.

**B. Requesters.** Any person may request a copy or inspection of any District record that is open to the public and not exempt from disclosure.

**C. Prompt Response.** Within 10 days of receiving any request to inspect or copy a District record, the General Manager or designee shall determine whether the request seeks release of a disclosable public record in the District's possession. The General Manager or designee shall promptly inform the person making the request of the determination and the reasons for the decision.

(Government Code § 6253)

**D. Unusual Circumstance.** In unusual circumstances, the General Manager 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 city) having a substantial interest in the determination of the request or among two or more components of the District (e.g., two different school sites) with substantial interest in the request

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

**F. Estimation of Availability.** If the General Manager 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)

**G. Reasonable Description Required.** 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)

**H. Reasonable Assistance.** Requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the General Manager or designee is still unable to identify the information, this requirement shall be deemed satisfied.

**I. Copy Fee and Fee Waiver Requests.** The General Manager 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 General Manager or designee.