The California Public Records Act (CPRA) was originally enacted in 1968. It requires that governmental records be made accessible to the public upon request, unless otherwise exempted by law.

If an agency receives a request to inspect an identifiable, disclosable record, the agency must promptly make the record available. Requests for copies of identifiable, disclosable records must be responded to within prescribed periods and must also be promptly made available for anyone who pays the applicable agency duplication costs or the applicable statutory fee.

If an agency improperly withholds records, a member of the public may seek a court order to enforce the right to inspect or copy the records sought and may receive payment for court costs and attorney fees if such person prevails in the lawsuit.
The California Public Records Act (CPRA)

“Public record” is “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

What constitutes a writing? A writing is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any form of communication or representation...and any record thereby created, regardless of the manner in which the record has been stored.”

A public records request need not state its purpose or the use to which the record will be put by the requester. A requester does not have to justify or explain the reason for exercising his or her fundamental right of access.
The California Public Records Act (CPRA)

Examples:

• Contracts of state and local agencies that require a private entity to review, audit, or report on any aspect of the agency, to the extent the contract is otherwise subject to disclosure under the PRA

• Specified pollution information that state or local agencies require applicants to submit, pollution monitoring data from stationary sources, and records of notices and orders to building owners of housing or building law violations;

• Employment contracts between state and local agencies and any public official or employee;

• Itemized statements of the total expenditures and disbursements of judicial agencies provided for under the State Constitution.
The California Public Records Act (CPRA)

Who can request information?

Any person or entity, including the media, for-profit businesses, and other public entities, has the right to access public records.

The right to access records is not limited to persons who are constituents of a district. A person who lives in a different city, county or state can access district records under the CPRA.
Is every writing in the custody of a public agency a public record under the CPRA?

No. The mere custody or retention of a writing does not automatically make it a public record for the purposes of the CPRA. The key element is whether the writing is kept because it is necessary or convenient to the discharge of official duties.

Thus, items such as a shopping list or a letter to a public officer from a friend which is totally devoid of reference to governmental activities are not considered public records.
The California Public Records Act (CPRA)

**Types of requests**
Members of the public may gain access to public records by:
- a) requesting to inspect records or
- b) receiving a copy of identifiable records.

**Manner of making requests**
Public records requests may be made in writing (paper or electronic), and may be mailed, emailed, faxed, or personally delivered. Records requests may also be made orally, in person, or by phone.

**Content of requests**
A request need only indicate that a public record is sought and be focused enough to describe an existing, identifiable record. There is no duty under the CPRA to comply with requests that prospectively seek records (i.e., records that do not currently exist).

Requests may describe writings by their content and do not require precise identification of the documents themselves.
The California Public Records Act (CPRA)

Time periods to respond to requests . . .

10-day initial response to requests for copies of records.

The agency must determine within 10 calendar days starting after the date of receipt of a request whether the request seeks copies of identifiable public records that may be disclosed and must promptly notify the requester of this determination.

If the request is received after business hours or on a weekend or holiday, the next business day may be considered the date of receipt. Similarly, if the 10th day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request.

If there are identifiable public records, then the determination must state the estimated time and date when records may be available for inspection or copying.
In unusual circumstances, the time limit to initially respond may be extended by written notice from the head of a district 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 made. No such notice may specify a date that would result in an extension of more than 14 days.

“Unusual circumstances” include: (a) the need to search for records in field facilities or separate offices, (b) the need to search through a voluminous amount of records, (c) the need to consult with another agency with a substantial interest in the record, and (d) the need to compile data or to create a computer program to extract the data.
The California Public Records Act (CPRA)

Time period for disclosing a record

The 10-day initial response and 14-day extension are the time periods for notifying a requester as to whether the district has public records in its possession that are responsive to a request.

*The CPRA does not require that records actually be produced within these time periods.*

However, the CPRA does require that records be made available “promptly” once a determination has been made that the district retains records that are responsive to a request.
The California Public Records Act (CPRA)
PRA Request “Case Study”

Good Morning,

I am requesting a copy of Santa Barbara County Office of Education’s Employee Compensation Report for the 2015 year, in either calendar or fiscal, whichever is easiest to provide under the provisions of California Govt. Code §§ 6250 - 6270, the California Public Records Act.

Please be advised that our request can be satisfied by producing a copy of the State Controller's Office (SCO) report, provided it includes employee names. Our request is for a copy of the working report, or any other combination of records, that contains the compensation data found on the SCD report alongside employee names.

Please provide the requested materials or, per § 6253(c), a timeline along which they will be made available by, no later than ten days from the date of this request.

Per § 6253.9(a), we ask that you provide the records in an Excel spreadsheet format.

In an effort to standardize how this information is reported we are seeking the same categories of employee compensation that are found in the State Controller's Report. At a minimum, please include the following categories in your response:

- Employee Name
- Position/Job Title
- Total Regular Pay
- Overtime Pay
- Other Pay (any additional forms of pay that are not reported in Regular Pay)
- Total Retirement & Health Cost (All forms of employer-paid retirement contributions, deferred compensation and health benefits)

In the event Santa Barbara County Office of Education is not in possession of a record of this nature, we request copies of any record or records that contain information responsive to the purpose of this request - employee name in conjunction with their compensation data.

As a reminder, § 6253.1 instructs public agencies to "assist requester in finding records responsive to the purpose of the request."

Your jurisdiction’s information will become part of the TransparentCalifornia.com website, which is provided to the public as a free service. The website is also intended to be a resource for public sector administrators, allowing easy comparisons across jurisdictions within the state for labor and other costs.

Please feel free to contact me with any questions that you might have.

Thank you.
The California Public Records Act (CPRA) 
PRA Request “Case Study”

On Sep 6, 2016, at 3:49 PM, David Lawrence <dlawrence@sbceo.org> wrote:

Mr. Fellner,

This e-mail is to acknowledge our receipt of your request. We are currently conferring with specialists on our staff as we review your request, and will follow up with you upon completion of that review no later than September 16, 2016.

David J. Lawrence
Director of Communications
Santa Barbara County Education Office
SBCEO.org
ph: (805) 964-4710, ext. 5282

From: David Lawrence <dlawrence@sbceo.org>
Subject: Re: CPRA SBCEO's 2015 employee compensation report
Date: September 16, 2016 at 10:35:48 AM PDT
To: records@transparentcalifornia.com

Mr. Fellner,

As a follow up to my September 6 2016 email to you: our programmers are in the process of writing a customized report that will contain the information you requested in your August 25, 2016 email to this office. We believe that by September 30 we can produce the information you have requested. Thank you.

David J. Lawrence
Director of Communications
Santa Barbara County Education Office
SBCEO.org
ph: (805) 964-4710, ext. 5282
The California Public Records Act (CPRA)  
PRA Request “Case Study”

From: David Lawrence  
Sent: Friday, September 30, 2016 1:17 PM  
To: records@transparentcalifornia.com  
Subject: Fwd: CPRA SBCEO's 2015 employee compensation report

Mr. Fellner,  
Please find attached the response from the Santa Barbara County Education Office for fiscal year 2015-16, per your request dated August 25, 2016 12:24:50 PM PDT. Thank you.
The California Public Records Act (CPRA)

Practically speaking...

Different offices have different policies and procedures for responding to PRA requests. If you receive a PRA request and you are uncertain as to what to do, notify your supervisor. S/he may in turn consult with legal counsel as to how to respond.

If the information the requester seeks is readily available and straightforward, you should still notify your immediate supervisor before responding to the requester. It is a professional courtesy, and that person may also have institutional knowledge that is relevant to the request.

In the previous example, the communications director coordinated the response with the Internal Services administrator, the CBO, and the Superintendent before each email to the requester.
The California Public Records Act (CPRA)

> Full language of the code:  
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=7.&chapter=3.5.&lawCode=GOV&title=1.&article=1

> The People’s Business: A Guide to the California Public Records Act:  

Disclaimer: This presentation is provided for general information only and is not offered or intended as legal advice.