California Special Districts Association
Districts Stronger Together

FACT SHEET: PUBLIC RECORDS ACT[1]

Purpose

In the wake of the City of Bell controversy, many local governments, including special districts, have experienced an increased number of California Public Records Act (CPRA) requests. The CPRA was enacted in 1968 and became California's first general public records law.

The mission of the CPRA is to ensure the ability of the public to monitor the functioning of their government. The fundamental precept is that governmental records shall be disclosed to the public, upon request, unless there is a specific reason not to do so. The CPRA makes exceptions to the disclosure requirement where disclosure would implicate privacy issues or would interfere with essential governmental functions. Thus, the CPRA balances a number of important interests. Providing an accurate, legal, and timely reply to CPRA requests will foster improved transparency and trust with the public.

Requirements

All California public agencies must furnish access to records which are ordinarily retained by the agency to discharge its official duties and that relate to the conduct of the public's business pursuant to California Government Code § 6250 through § 6276.48. Any request that reasonably describes an identifiable document will compel compliance with the CPRA. Once a request has been made, the CPRA requires the following:

- Districts must respond to requests within 10 days to notify the requester of its determination whether the agency has responsive records and whether such records will be disclosed.[2]
- All records must be disclosed unless a specific exemption applies under the CPRA or the public interest in non-disclosure clearly outweighs the public interest in disclosure.
- If any record is withheld, the written response must state the statutory basis for withholding and the person responsible for the determination to withhold. The district is not required to produce a log of withheld documents.
- If the request seeks inspection of public records, the records shall be open for inspection any time during the agency's regular business hours and any member of the public may request to see them.
- If the request seeks duplication of public records, they must promptly be made available.

Limitations

- The CPRA applies only to existing records, districts are under no obligation to create new documents to respond to a records requests, conduct research, fill out checklists, answer questions, or put a record into a different format, such as converting information into an electronic format.
- The requester must bear the direct costs of producing the requested records, including necessary programming and computer services, but excluding costs of staff time. For large records requests, it is advisable for the district to request a deposit or pre-payment of the reproduction costs before the agency incurs the expense.
- The district may impose reasonable limitations on the public's inspection of records to avoid office disruption and to ensure the protection of the records. For example, a district can require that inspection occur in a secure location and under the supervision of a staff member.

CSDA's Transparency Resources

CSDA's has a dedicated Transparency Resources section at csda.net, containing up-to-date information on pertinent legislation, educational opportunities, and more. This site provides examples of proactive steps taken by districts on employee compensation disclosure and public records act requests.

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[1] This Fact Sheet is intended to provide an overview of the CPRA and does not provide legal advice. An agency should direct any legal questions regarding the scope and application of the CPRA to its agency counsel.

[2] In unusual circumstances, the time limit for response 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 (§ 6253.9).