

**WEST VALLEY SANITATION DISTRICT
BOARD OF DIRECTORS POLICY**

POLICY #: 900.1005
SUBJECT: PUBLIC RECORDS REQUEST
EFFECTIVE DATE: November 12, 2014
REVISION DATES: None
RESPONSIBILITY: BOARD OF DIRECTORS

=====

1. PURPOSE

The purpose of this policy is to affirm the public’s right to access District records and to establish District guidelines concerning accessibility of District records.

2. POLICY

Access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this State. The West Valley Sanitation District (the District) is required by the California Government Code Sections 6250-6270 to make public records available for inspection by the public and to provide copies upon request, except those specifically exempted by law. The California Public Records Act is found in the California Government Code, beginning at Section 6250. Records subject to inspection and copying include any writings, meaning any handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including information available in an electronic format.

“Public Record” is defined by law to include any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the District regardless of physical form or characteristics. These public records must be open for inspection at all times during the District’s normal business hours. Every person has the right to inspect any District record except those records exempted by statute from public disclosure.

There are certain categories of documents that are generally exempt from disclosure. These include, but are not limited to: (1) preliminary drafts of certain documents that are not retained by the District in the ordinary course of business; (2) records related to pending litigation; (3) attorney-client communications; (4) personnel records, medical information, or other similar records the disclosure of which would constitute an unwarranted invasion of personal privacy; (5) corporate financial and proprietary information, including trade secrets; and (6) records protected by State and Federal Law.

This policy does not obligate the District to retain documents beyond the District's record retention policy. In the event a request for records is received after their destruction, the record will not be reproduced.

Requests to inspect or to obtain a copy of a public record should be made by submitting the Public Records Request Form to the District Manager and Engineer. Upon receipt of the request, the District must determine whether the requested record, in whole or in part, is a public record in the possession of the District, which is not subject to any exemptions to disclosure, and must promptly respond or notify the requestor in writing within 10 calendar days of receiving the request. When the record is not available within 10 calendar days of the request, a notice to the requestor must include time estimate of when the data or record will be provided. When the record is non-existence or exempted, the District must notify the requestor in writing within 10 calendar days of receiving the request, including the reasons why access is being denied.

The District will not charge any fees to cover the time and costs incurred in searching for, locating or collecting existed records. The District may charge for the direct or actual costs of duplicating copies (paper or electronic) and postage. Requestor of existed electronic records may be charged for production costs, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy if the request would require production of a record including compilation, extraction, or programing. When fees are applicable, the District must notify the requestor the costs and should not generate the records until agreement to pay is obtained from the requestor. The District will not charge for access to data that is readily accessible.

3. REFERENCE

- A. California Government Code 6250-6270.
- B. Public Records Request Form

APPROVED: By the Board of Directors of West Valley Sanitation District on Nov. 12, 2014.