



California Department of Parks and Recreation PUBLIC RECORDS ACCESS GUIDELINES

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The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act (PRA), Government Code Sections 6250 to 6270, requires the Department of Parks and Recreation (DPR) to make public records available for inspection by the public and to provide copies upon request. DPR has established the following guidelines to ensure that all persons understand and are afforded the opportunity to use their right to access public records. A copy of these guidelines will be provided free of charge upon request.

WHAT ARE "PUBLIC RECORDS"?

"Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by DPR regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, photocopying, photographing, 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 any combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

WHEN MAY PUBLIC RECORDS BE INSPECTED?

Public records are open to inspection during DPR office hours, generally 8:00am – 12pm and 1pm – 4:30pm Monday through Friday, except for state holidays, but the times for a particular office may vary. Public records will be available for inspection only at the location where they are regularly and routinely maintained. Advanced notice is not required to inspect public records; however, the inspection of records is subject to a rule of reason and must be consistent with the efficient functioning of DPR offices. It is advisable for any person who wishes to inspect public records to contact the DPR Legal Office or the appropriate DPR office to make sure that the records are available. An appointment may have to be scheduled if the records are being used by DPR staff, the records must be found and reviewed, or redaction of confidential information is necessary.

Records available for immediate inspection include the Statement of Economic Interest (FPPC Form 700) of designated DPR employees and these Public Records Access Guidelines. Access to a Statement of Economic Interest for DPR employees who are required to complete Form 700 is available in the Personnel Office at DPR Headquarters at 1416 9th Street in Sacramento. A copy of the Public Records Access Guidelines is posted and available for inspection at all DPR offices. Copies of the Guidelines will be provided without charge upon request. The Guidelines are also available on DPR's website at www.parks.ca.gov.

It is the policy of DPR that records not exempt from disclosure by state law will be open for public inspection with the least possible delay. There is no charge to inspect records. However, DPR's standard fees for duplication apply if any copies are requested. In order to prevent records from being lost, damaged or destroyed during inspection, DPR staff must monitor the inspection.

A person who inspects DPR's public records shall not destroy, mutilate, deface, alter or remove any such record from the location designated for inspection. All public records shall be physically returned in the same condition as when received upon either the completion of the inspection or upon request of staff.

HOW MAY THE PUBLIC OBTAIN ACCESS TO PUBLIC RECORDS?

Requests for inspection or copies of public records may be made orally or in writing (including email). DPR recommends that all PRA requests for records be in writing so that DPR can more accurately identify the records sought and process the request more efficiently. If a request is made orally, staff should confirm the request in writing. Requests should be directed to DPR's Legal Office at the following address:

California State Parks
Legal Office
1416 9th Street, Room 1404-6
Sacramento, California 95814
Phone: (916) 653-9905
Fax: (916) 653-1819

Or

Via email to:
Kelli.McDowell@parks.ca.gov

Please include the following information in your request, so that we may respond to your request in a timely manner:

1. Whether you are requesting to inspect and/or obtain copies of public records under the PRA.
2. A clear and specific description of the information you are requesting. If possible, identify dates, subjects, titles and authors of the records requested. If needed, DPR staff will assist you in making a focused and effective request by helping you identify records, describing where they can be located and providing other suggestions for facilitating access. DPR may ask for

additional information if the request is not specific enough to permit identification of the records sought.

3. Contact information (optional) so DPR can get clarifying information if needed and send you a response or copies of records.

HOW SOON WILL I GET A RESPONSE?

DPR will notify the requestor within ten (10) days from the date the request is received, whether DPR has disclosable public records. If DPR determines that it has disclosable public records, DPR will provide the requestor with an estimated date and time when the records will be made available. In some circumstances, the 10-day time limit may be extended up to an additional fourteen (14) days by written notice to the requester, setting forth the reason for the time extension. Reasons may include:

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 that are demanded in a single request;
3. the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in DPR's determination of the request or among two or more components of DPR having substantial subject matter interest therein; and
4. the need to compile data, write programming language or a computer program, or construct a computer report to extract data.

If DPR determines that it has disclosable records, the records will be made available upon payment of any applicable copying fees.

Records in Electronic Format

Upon request, DPR shall make an electronic public record available in any electronic format in which DPR holds the information, or in the format requested if the requested format is one that has been used by DPR to create copies for its own use or for provision to other agencies.

WILL THERE BE A FEE FOR COPIES?

The usual fee for copying records is thirty cents (\$.30) per standard 8 ½ x 11 inch page. The cost for all other copies is the direct cost of duplication, or a statutory fee, if applicable.

Fees for Records in Electronic Format

The requestor shall bear the direct costs of producing a copy of a record in

electronic format, including the costs to construct a record and the cost of programming and computer services necessary if:

1. DPR is required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals; or
2. DPR is required to perform data compilation, extraction, or programming to produce the record.

The usual cost of obtaining electronic copies on a CD is five dollars (\$5.00).

WHAT WILL DPR'S RESPONSE TO A RECORDS REQUEST INCLUDE?

In responding to information requests, DPR will advise the person submitting the request of the following:

1. whether DPR has disclosable records responsive to the request;
2. the location, date, and time at which the requested records may be inspected if an inspection was requested;
3. if copies of records are requested, the cost of providing such copies; and
4. which of the records requested are exempt from disclosure pursuant to applicable provisions of the California PRA.

WHAT RECORDS ARE NOT REQUIRED TO BE DISCLOSED?

In balancing the public's right to access public records with other rights and interests, including the individual right of privacy and the need for DPR to be able to competently perform its duties, the Legislature has established certain categories of records that may be exempt from public disclosure under specified circumstances. These include, but are not limited to, certain personnel records, investigative records, drafts, confidential legal advice, records prepared in connection with litigation, real estate appraisals and evaluations made relative to pending acquisition of property, Native American graves, cemeteries and sacred places, archaeological site information, trade secrets, communications with the Governor's Office, and information that is confidential pursuant to other state or federal statutes. If records are withheld, DPR shall demonstrate that the record in question is exempt under express provisions of the law and shall provide the name(s) and position(s) of person(s) responsible for the denial.

PERSONS WITH DISABILITIES

Persons with disabilities who require accommodation for obtaining access to DPR public records should notify DPR of their accommodation needs in their request, or by calling the following:

- DPR Reasonable Accommodation Coordinator: (916) 653-8148

- DPR Telecommunication Device for the Deaf (TTY): (888) 877-5378
- The California Relay Service at: Relay Svc w/o TTY: (888) 877-5379
(telephone service for the deaf or hearing impaired)
- DPR Accessibility Unit: (916) 654-5687

A copy of these guidelines shall be posted in a conspicuous public place in the offices of the department, and shall be made available free of charge to any person requesting them.