



## **PLACER COUNTY GRAND JURY**

# **California Public Records Act**

## **Placer County's Compliance with the California Public Records Act (CPRA)**

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## Placer County's Compliance with the CPRA

### Summary

Placer County strives to comply with the California Public Records Act (CPRA) by providing the public with all public records when they are requested.

The County's process for requesting records varies from department to department and, although it is there, finding help on the County's website for submitting a request for a public document can be confusing.

Placer County is complying with the law, but is not maintaining any countywide records to track requests or monitor compliance with the law.

### Background

Article 1 of the California Constitution guarantees: "The people have the right of access to information concerning the conduct of the people's business..." The California Public Records Act was passed by the California State Legislature and signed into law in 1968 to uphold this right.

The CPRA is an important aspect of California's commitment to transparency in government. It was designed to give the public access to information so they can monitor all aspects of the government that serves and represents them. The CPRA allows for inspection or disclosure of governmental records to the public upon request. There are some specific exceptions to this disclosure in the law, such as attorney/client communication, recipients of public assistance, personnel records and law enforcement records, to name a few.

California Government Code section 6252(e) states:

*"Public records" includes 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.*

Placer County's website further states:

*The legal definition of public records includes 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. "Writing" means 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, including letters, words, pictures, sounds, or symbols, or combinations thereof.*

A public agency is required to respond promptly but no later than ten calendar days from receipt of a public records request. The response may be that records cannot be supplied for legal reasons. When records are supplied, the County makes every effort to have them ready within the 10 days. If this is not possible, contact is made to explain and give a delivery date.

## **Methodology**

The 2016-2017 Grand Jury reviewed and researched the CPRA and Placer County's methods of complying with the CPRA. This included

- review of the California Public Records Act;
- review of "THE PEOPLE'S BUSINESS: A Guide to the California Public Records Act" published by The League of California Cities in 2008;
- review of Placer County's website;
- interviews with officials from the County Executive Office, Office of County Counsel, the Office of the Board of Supervisors, and the Information Technology Division.

## **Facts**

- Placer County accepts requests for public records verbally (in person or by telephone), in writing (delivered in person, by fax, or by mail), and electronically (submitted online).
- Because of the various ways the public asks the County for information, it is not always possible to determine if a request is for public records or simply a request for information.
- The homepage of the County's website does not provide a reference to a CPRA request.
- Once located, the information provided on Placer County's website on submitting a public records request is complete and helpful.
- Some County departments have online forms for submitting a public records request, others do not.
- There is no one person or department in Placer County with overall responsibility for documenting and tracking public records requests.
- Each department in Placer County is responsible for accepting and processing public records requests pertaining to their department.

- Placer County does not have procedures in place to track a public records request that is forwarded from one department to another.
- The office of County Counsel is available to every department to assist with public records request compliance. In some cases requests are sent directly to County Counsel, and frequently departments consult County Counsel to verify that they are correctly interpreting the law with their responses.
- Electronic communications (emails) fall within the CPRA. Upon request, the Placer County IT department assists other departments in searching current and archived emails, including any that have been deleted.

## **Findings:**

The Grand Jury found:

- F1. A path to making a CPRA request is not intuitive. Filing of a public records request can be difficult.
- F2. The non-centralized approach to receiving and responding to public records requests appears to speed up the response time and contributes to Placer County's compliance with the law but does not provide for tracking or monitoring compliance with all CPRA requirements.

## **Conclusion**

The Grand Jury determined that Placer County is meeting the requirements of the California Public Records Act. The Grand Jury concludes that there is some room for improvement that could help citizens more easily find information on how to submit a request for public records. The Grand Jury also concludes that there are IT systems improvements that could help the County monitor how many requests they are receiving and how well they are complying with the law.

## Recommendations

The Grand Jury makes the following recommendations:

- R1.** Placer County change its website for locating information on how to request public records. Specifically, a link titled “Public Records” should be added to the homepage tab entitled “How do I...”/“Request.”
- R2.** Placer County make changes to its website to provide links to each of the various departments’ online public records request forms in one convenient location.
- R3.** Placer County establish one point to maintain a countywide tracking system for all written public records requests. This recommendation is for a tracking system and not a single point for submitting or responding to requests.

**Request for Responses:**

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
<b>Board of Supervisors</b> 175 Fulweiler Avenue Auburn, CA 95603	<b>R1, R2, R3</b>	<b>September 30, 2017</b>
<b>Mr. David Boesch</b> County Executive Officer 175 Fulweiler Avenue Auburn, CA 95603	<b>R1, R2, R3</b>	<b>August 31, 2017</b>
<b>Mr. Jerry Cardin</b> County Counsel 175 Fulweiler Avenue Auburn, CA 95603	<b>R1, R2, R3</b>	<b>August 31, 2017</b>

**Copies Sent to:**

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