

Definitions

Public records include any writing containing information relating to the conduct of the ROP's business prepared, owned, used, or retained by the ROP, regardless of physical form or characteristics. (Government Code 7920.530)

Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, 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 combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 7920.545)

Member of the public means any person except a member, agent, officer, or employee of the ROP or a federal, state, or other local agency acting within the scope of such membership, agency, office, or employment. (Government Code 7920.515)

Public Records

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved ROP budgets and annual audits (Education Code 41020, 42103)
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)
6. Meeting agendas (Government Code 54957.5)
7. Official communications between the ROP and other government agencies
8. ROP and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law
9. Initial proposals of exclusive employee representatives and of the ROP (Government Code 3547)
10. Records pertaining to claims and litigation against the ROP which have been adjudicated or settled (Government Code 7927.200, 7927.205)
11. Statements of economic interests required by the Conflict-of-Interest Code (Government Code 81008)
12. Documents containing names, salaries, and pension benefits of ROP employees

13. Employment contracts and settlement agreements (Government Code 53262)

14. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)

Access to public records of the ROP shall be granted to Governing Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 7921.305, 7921.310)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 7922.200, 7928.300)

Confidential Public Records

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code 234.7; Government Code 8310.3)

Records to which the members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, and interagency or intraROP memoranda that are not retained by the ROP in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 7927.500)
2. Records specifically generated in connection with or prepared for use in litigation to which the ROP is a party or to respond to claims made against the ROP pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 7927.200, 7927.205)
3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 7927.700)
4. The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees may only be disclosed as follows: (Government Code 7928.300)

- a. To an agent or a family member of the employee
 - b. To an officer or employee of a state agency or another school ROP or county office of education when necessary for the performance of official duties
 - c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed
 - d. Upon written request of any employee, the ROP shall not disclose the employee's home address, home telephone number, personal cell phone number, personal email address, or birth date, and the ROP shall remove the home address, home telephone number, and personal cell phone number from any mailing list of the ROP except a list used exclusively to contact the employee.
 - e. To an agent or employee of a health benefit plan providing health services or administering claims for health services to ROP employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
5. Student records, except directory information and other records to the extent permitted by law and ROP policy
 6. Test questions, scoring keys, and other examination data except as provided by law (Government Code 7929.605)
 7. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the ROP relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 7928.705)
 8. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in an unfair competitive disadvantage to the person supplying the information (Government Code 7925.000)
 9. Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library; to persons authorized in writing, by the individual to whom the records pertain, to inspect the records; or by court order (Government Code 7927.100, 7927.105)

10. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 7927.705)
11. Documents prepared by or for the ROP to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt ROP operations and that are for distribution or consideration in closed session (Government Code 7929.200)
12. Recall petitions, petitions for special elections to fill Board vacancies or petitions for the reorganization of the school ROP (Government Code 7924.110)
13. Minutes of Board meetings held in closed session (Government Code 54957.2)
14. Computer software developed by the ROP (Government Code 7922.585)
15. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the ROP's information technology system (Government Code 7929.210)
16. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 7926.400, 7930.000-7930.215)
17. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
18. Any other records for which the ROP can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 7922.000)

Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any ROP record that is not exempt from disclosure. (Government Code 7922.530)

Within 10 days of receiving any request to inspect or copy an ROP record, the Superintendent or designee shall determine whether the request seeks the release of a disclosable public record in the ROP's possession. The Superintendent or designee shall promptly inform the person requesting the determination and the reasons for the decision. (Government Code 7922.535)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 7922.535)

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 which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the ROP (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 7922.535)

Public records shall be open to inspection at all times during ROP office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after the deletion of the portions exempted by law. (Government Code 7922.525)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 7922.530)

The Superintendent or designee shall charge an amount for copies that reflect the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

Without charging any fees or costs, the Superintendent or designee shall allow members of the public to use their own equipment on ROP premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code 7922.530)

- a. Do not require the equipment to make physical contact with the record
- b. Will not result in damage to the record
- c. Will not result in unauthorized access to the ROP's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the ROP's electronic records

The Superintendent or designee may impose any reasonable limit on the use of personal equipment to photograph, copy, or reproduce a disclosable record that is necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the ROP and its employees. The Superintendent or designee may also impose any limit necessary to maintain the integrity of or ensure the long-term preservation of historic or high-value records. (Government Code 7922.530)

In addition to maintaining public records for public inspection during ROP office hours, the ROP may comply with public records requests by posting any public record on the ROP's website and, in response to a public records request, directing the member of the public to the location on the website where the record can be found. However, if the member of the public is unable to access or reproduce the record from the website, the ROP shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 7922.545)

If any person requests that a public record be provided in an electronic format, the ROP shall make that record available in any electronic format in which it holds the information. The ROP shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the ROP to create copies for its own use or for use by other agencies. (Government Code 7922.570)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 7922.575)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 7922.600)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified. If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the

Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 7922.500, 7922.540)