

<b>ID #</b>	BRD-042
<b>Rev</b>	00
<b>Date</b>	06/25/2015
<b>Reso</b>	15-30

## Santa Clara Valley Open Space Authority Public Records Act Requests Policy

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### 1.0 PURPOSE

The California Public Records Act declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in the State. The purpose of this Policy is to provide the public with a clear understanding of the process by which the Open Space Authority (Authority) will respond to requests for records under the Public Records Act, and to provide timely access to its public records. If there is any conflict between this Policy and the California Public Records Act, the California Public Records Act supersedes this Policy.

### 2.0 REVISION HISTORY

Date	Revision	Modification
06/25/2015	N/A	Reviewed and Adopted

### 3.0 PERSONS AFFECTED/RESPONSIBLE

The Clerk of the Board is responsible for compliance with this Policy.

### 4.0 POLICY

#### Background

The California Public Records Act defines public records as, “...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.” For example, public records may include, but are not limited to, letters, maps, charts, photographs, audiotapes, videotapes, and information stored on a computer.

#### Who Can Request Public Records

Any person may make a request to inspect or obtain a copy of a public record. A requester is not required to provide any reason for the request.

### **What Can Be Requested**

Generally, all Authority records are available to the public unless they are exempt from disclosure pursuant to the California Public Records Act.

Examples of the types of records that are exempt from disclosure include, but are not limited to:

- personnel records, medical records and similar files which would constitute an unwarranted invasion of personal privacy if publicly disclosed
- records pertaining to pending litigation to which the Authority is a party
- preliminary drafts, notes or memoranda that are not retained in the Authority's ordinary course of business
- records covered by the attorney-client privilege

### **Where to Find or Request Authority Records**

Frequently requested Authority records can be found on the Authority's website: [www/openspaceauthority.org](http://www.openspaceauthority.org).

The Clerk of the Board and/or Administration Staff may be able to help you with the records you are seeking. The Office of the Clerk of the Board can be reached at (408) 224-7476 or you may visit the office during regular business hours.

You may request the records in the following ways:

- By Telephone: the public can call during regular business hours to make requests or to be referred to an Authority employee who can help with the request.
- By visiting the Authority office: Staff will assist with walk-in requests during regular business hours.
- By submitting a request in writing via E-mail, U.S. Mail or Fax. When submitting a request by one of these methods, provide contact information to permit Staff to respond to your request. You may submit your request via an Authority Records Request Form to help expedite your request:

[Records Request Form - Print or Fill-In \(PDF version\)](#)

Address: Clerk of the Board's Office  
33 Las Colinas Lane, San Jose, CA 95119 FAX #: (408) 224-7548  
Email: [Clerk@openspaceauthority.org](mailto:Clerk@openspaceauthority.org)  
Telephone: (408) 224-7476

## **5.0 PROCEDURE**

1. Submit your verbal or written request to the Authority.
2. So the Authority can best assist you, please make your request as specific as possible about the records you are seeking. For example, you may want to provide a date range for your request, the department or Staff that created the requested records, and/or any helpful

keywords. You may also complete and submit a Public Records Request Form to the appropriate department.

3. Provide contact information so that someone may respond to your request and discuss the availability of the requested records.
4. Let the Authority know whether you would like to inspect the records or have copies made (which may involve a cost - see final section, below).

### **When You Can Expect a Response**

If copies of records are requested, the Authority will within 10 days from receipt of a request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the Authority and shall promptly notify the person making the request of the determination. In unusual circumstances, the time limit prescribed above may be extended by written notice from the Authority to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected. This notice will not specify a date that would result in an extension for more than 14 days. When the Authority notifies a requestor of the determination, and if the Authority determines that the request seeks disclosable public records, the Authority will state the estimated date and time when the records will be made available. "Unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

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 the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

### **When Requested Records Are Ready**

After you receive a response from the Authority concerning the availability of the requested records, you can arrange to inspect the records or have them copied:

- **Inspection:** If you wish to inspect the records and have provided contact information, a member of the Authority Staff will contact you to make an appointment to inspect the records. If you have not provided the department with contact information, you will need to call or return to the department to arrange for inspection of the records. There is no fee associated with inspecting public records.
- **Copies:** If you wish to obtain copies of records and have provided contact information, a member of the Authority Staff will contact you with a time and cost estimate for producing the requested records. You may, upon payment of applicable fees, pickup

the records when they become available or have them mailed to you. If you have not provided the Authority with contact information, you will need to call or return to the Authority office to arrange for copying and pick up of the records.

**Costs**

There is no charge to review records; however, Authority policy permits the Authority to charge a fee to cover any duplication, electronic media, and/or data system programming costs. Generally, copies are:

- \$0.25 for a single-sided page
- \$0.25 for a double-sided page
- \$3.00 for a data compact disc

Data system programming costs related to compiling data, writing programming language or a computer program, or constructing a computer report to extract data will be at cost and are dependent on the request and the system on which data is stored, and will vary on a case-by-case basis.