

Coachella Valley Public Cemetery District
California Public Records Act Policies & Standard Practices

ARTICLE I. PURPOSE

The purpose of this policy is to provide direction on how to receive, process, and respond to requests to inspect or receive copies of Coachella Valley Public Cemetery District ("District") records. All requests for District records will be handled pursuant to the provisions of the California Public Records Act ("PRA").

ARTICLE II. DEFINITIONS

Section II.1 Definitions

- A. **District personnel** shall collectively refer to all District employees, elected officials, appointed officials, and anyone who prepares, owns, uses, or retains public records on behalf of the District.
- B. **Public record** is defined by the PRA and includes any writing that contains information relating to the conduct of the public's business prepared, owned, used or retained by the District regardless of physical form or characteristics, and regardless of whether created or transmitted on or by a District-owned device.
- C. **PRA Coordinator** is the Clerk of the Board, or designee.
- D. **PRA Request** is a request by a member of the public to inspect and/or to receive a copy of District records. Commonly requested records include emails related to a particular subject matter, Board agendas and minutes, and District contracts.
- E. **Writing** shall mean any typewriting, printing, photostating, photographing, photocopying, recording, 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, images, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Section II.2 General Scope

This policy applies to all District personnel and shall be interpreted to be consistent with other District-wide policies.

ARTICLE III. POLICY & PROCEDURES

Section III.1 Policy and Procedures

The public has a fundamental right to copy and inspect public records. It is imperative for the District to properly gather responsive records, review the records for privileged or exempt information, and produce responsive disclosable documents in a timely manner. The PRA Coordinator is responsible for gathering responsive records, making the appropriate redactions, and responding to the requester. However, it is the responsibility of all District personnel to assist in identifying responsive records and prioritizing PRA requests as reasonably permitted by their job duties.

This policy shall be interpreted to be consistent with PRA statutes, case law, and other governing authority.

Section III.2 The PRA Request

- A. Any member of the public may make a records request. The District cannot require the requester's name or purpose of the request. Anonymous requests or fictitious names are permitted. If the requester refuses to give his/her contact information, District personnel shall set a date within 10 calendar days for the requester to check on the status of the request.
- B. Any request (verbal or written) to review a record qualifies as a PRA request. The requester is not required to cite to the PRA, file a request with the PRA Coordinator, or use the District's standard form.
- C. The PRA Coordinator shall document the date the PRA request is received and assign a reference number.
- D. If the request does not reasonably identify a District record, the PRA Coordinator shall make every effort to assist the requester in making a focused and effective request. The PRA Coordinator shall document their efforts to:
 - i. Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - ii. Describe the information technology and physical location in which the records exist.
 - iii. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- E. Modified requests should be documented in response letters to the requester.

Section III.3 Gathering Responsive Records

A. The PRA Coordinator shall immediately notify District personnel most likely to have responsive records.

i. It is the responsibility of all District personnel to assist in identifying responsive records. After learning of a relevant PRA request, District personnel shall produce responsive records to the PRA Coordinator as expeditiously as possible.

ii. When determining whether a record is responsive, District personnel shall consider if a reasonable person would interpret the request to include a particular document.

iii. District personnel shall gather responsive records held on private devices or accounts. District personnel are reminded to adhere to District policy regarding the use, or prohibitions on the use, of private devices or accounts to conduct District business.

B. The PRA Coordinator shall work with the District's IT vendor and/or District personnel who may be able to identify responsive emails and/or video recordings, including developing a list of key words to include in the search and identifying relevant email addresses, or providing specific date and time ranges for reviewing video. When reviewing video recordings for disclosure, it is permissible to apply redaction or blurring techniques to obscure the faces of any minor children before releasing the duplicated records to the requestor. In cases where minor children are present in the requested video recordings, the PRA Coordinator should consult with the District's General Counsel before making a final determination as to applying redaction or blurring techniques.

C. The PRA Coordinator shall gather all responsive records, including privileged documents. These unredacted documents shall be retained for at least two years after the date of final production.

i. District personnel should consider whether the requester has a right to the records that is outside of the PRA (e.g., employee's request to review his/her personnel file; a request for a Statement of Economic Interest (FPPC Form 700); a request for copies of certified payroll records; a union's Request for Information etc.).

D. District personnel shall not create a record in response to a PRA request that does not otherwise exist, without supervisor approval. The General Counsel shall be consulted in these instances.

Section III.4 Response timelines

A. The District is required to respond to records requests promptly, but at least within 10 calendar days after receipt of the request. If the tenth day falls on a weekend or a holiday, the due date is the next business day. For example, if the District receives a request on February 1, then the tenth day is February 11. If February 11 is a Saturday, then the response is due on Monday, February 13.

- i. If the requestor wishes to inspect the records, and the records are readily available and ascertained to be disclosable, the District shall make the records available for inspection as soon as possible during normal business hours.

B. The District is not required to produce documents within 10 calendar days, but the PRA Coordinator must respond to the requester in writing with most applicable option below:

- i. Inform the requester that the District has no responsive records.
- ii. Produce non-exempt, responsive records, noting any redactions or withheld records, citing the appropriate exemptions, and identifying the name and title of person responsible for the claim of exemption.
- iii. Inform the requester that the District has responsive records and set a reasonable date in the future for production. The documents may be produced at one time or on a rolling basis. Consult your supervisor about the timing of the production depending on the complexity of the response.
 - a. If the records need to be produced on a rolling basis, establish a production schedule and share the schedule with the requester.
 - b. Production should include non-exempt, responsive records, noting any redactions or withheld records, citing the appropriate exemptions, and identifying the name and title of person responsible for the claim of exemption.
- iv. Inform the requester that the District is taking an extension of 14 calendar days to determine whether it has responsive records. The District does not need to request the extension, but may take the extension as matter of right.
 - a. This extension must be made pursuant to Government Code section 6253, subdivision (c)(1)-(4), citing one or more of the following reasons:
 - (i) 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.
 - (ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
 - (iii) 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.
 - (iv) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

- b. After the 14 day deadline, the District must respond pursuant to Sections 3.4.B.i-iii above.

Section III.5 Producing the records

- A. If amenable to the requester, the PRA Coordinator shall make responsive records available via email or other electronic delivery. The requester shall not be charged for production pursuant to this subdivision.
- B. When producing hard copies, the District may charge the direct cost of duplicating the records. Requestors seeking video recordings may be charged the direct cost of duplicating the records, including any fees charged by a third party to duplicate and/or apply redaction/blurring techniques.
- i. District personnel shall receive payment before making copies that would cost \$20 or more. District personnel shall estimate the charge for the copies and inform the requester that the District will refund any overages.
- ii. District staff may not charge the requester for the time collecting or processing the records and may only charge for the direct cost of duplicating the records.
- a. Exceptions may be made when the request requires data compilation, extraction, or programming or the District would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals. Consult with the General Counsel in these instances.

Section III.6 Exemptions

- A. District personnel shall only redact the specific portion of the record that is exempt. Redactions should not only black out the information but also delete any embedded data, such as hyperlinks.
- B. Information contained in a record that is non-responsive to the PRA request shall not be redacted. Only information that is subject to an exemption may be redacted.
- C. Responsive records shall be reviewed to confirm that the responsive records are public records and to assess whether an exemption applies. Non-public records are records that are primarily personal, containing no more than incidental mentions of agency business. Non-public records are not subject to the PRA and are not required to be disclosed for a PRA request.
- D. Common exemptions:
- i. The "Catch-All" Exemption. Information or documents may be withheld if the District can demonstrate that on the facts of the particular case the public interest served by non-disclosure clearly outweighs the public interest served by disclosure. (Gov. Code, § 6255.)

- ii. Personnel, Medical or Similar Files of District employees, the disclosure of which would constitute an unwarranted invasion of personal privacy (Gov. Code, § 6254(c))
- iii. District employee home addresses, home telephone numbers, personal cell phone numbers, and birth dates (Gov. Code, § 6254.3)
- iv. Documents specifically prepared by, or at the direction of, the District for use in existing or anticipated litigation (Gov. Code, § 6254(b))
- v. Voter Information (Gov. Code, § 6254.4)
- vi. Tax Payer Information (Gov. Code, § 6254(i))
- vii. Attorney-Client Privileged Communications or Attorney Work Product. (Evid. Code, § 954 et seq.; Code Civ. Proc., § 2018.030)
- viii. Trade Secrets (Civ. Code, § 3426.1(d))

Section III.7 Violations

Violation of this policy may result in disciplinary action, up to and including termination.