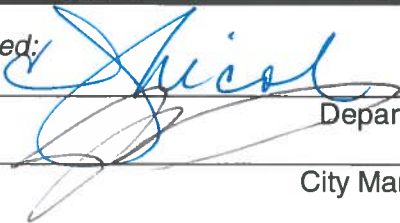




City of Riverside Administrative Manual

Effective Date: 07/2003
Revision Date: 12/2016
Review Date: 07/2018
Policy Owner(s): City Clerk's Office

Approved: 

Department

City Manager

SUBJECT:

Public Inspection of Records

PURPOSE:

To establish procedures and guidelines for the inspection of public records in response to public requests.

POLICY:

In accordance with the California Public Records Act set forth in Government Code §6250, et seq., "Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person of this state." This policy in no way supersedes or contradicts the Records Retention and Disposition section of the Administrative Manual, but is intended to complement it within the guidelines of the Public Records Act.

Withholding of any record will be justified by demonstrating that the record in question is exempt under express provisions of state or federal law or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

Written requests for public documents are preferred for complex and cross-departmental requests and will be required where appropriate. The determination on requiring a written request will be left to the discretion of the City Manager, City Attorney, or department head, as appropriate.

Departments are encouraged to consult with the City Attorney's Office to ensure compliance with applicable law and shall proactively assist requesting parties to meet the intent of the request.

Pursuant to Government Code §6253, any agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.

PROCEDURE:

| Responsibility | Action |
|---|--|
| All Departments Receiving Requests for Public Records | <ol style="list-style-type: none"> 1. Receives public records request. 2. Date stamps request received, if in writing. 3. Determines the nature of the document or record: Over the counter request - Document or record requested able to be provided by the department to the requester at the time of request. |

PROCEDURE:

| Responsibility | Action |
|-----------------------|---|
| | <p>Detailed request - Document or record not immediately available and requires single- or multi-department research and response.</p> |
| City Clerk | <p>4. Over the counter requests - The department immediately identifies records and provides copies to requester.</p> <p>5. Detailed request - The department uploads request into the Public Records Portal for the City Clerk's Office to assign and track or the department may also refer the requester to the Public Records Portal at engageriverside.com to create an account and submit their request.</p> |
| Assigned Department | <p>6. Receives notification of a new public records request via the records portal, determines the nature of the document or record requested, and assigns request via the records portal to appropriate department(s) for research and document retrieval.</p> <p>7. Researches assigned request and identifies records that are responsive. Uploads documents to the portal, provides hardcopy, or if voluminous, notes in the portal the volume of records and the media type.</p> <p>8. If no documents are found to be responsive to the request, the department enters that information in the records portal.</p> <p>9. If department requires clarification of documents being requested, the department enters the requested clarification in the records portal.</p> <p>10. If the department believes the documents requested qualify for an exemption, the department enters the reason for exemption in the records portal.</p> <p>11. If the department requires an extension to process the request due to complexity, volume, or location of documents, the department enters the reason for extension in the records portal.</p> |
| City Clerk | <p>12. If the department requested clarification, City Clerk sends email/letter to requester asking for further information. Once information is received from requester, forwards new information to assigned department.</p> <p>13. If a department believes the documents requested qualify for an exemption, forwards exemption request to the City Attorney's Office for review and approval. If approved, sends corresponding email/letter to the requester. If exemption is not approved, notifies the department to provide the documents by original due date. (List of exemptions attached)</p> <p>14. If the department requests an extension, requests concurrence by City Manager's Office and/or City Attorney. If concurred, sends corresponding email/letter to the requester. When all documents have been received, reviews for completeness and sends corresponding email/letter to requester. If extension is not approved, notifies the department to respond to the request by original due date.</p> |
| All Departments | <p>15. Receives notice assigned request is complete, reviews documents for completeness, sends appropriate response email/letter to requester, and assesses fees, if any.</p> <p>16. Receives notice that there are no documents found to be responsive to request, send email/letter to requester with explanation.</p> <p>17. Retains original documents in the custody of the City at all times.</p> |

Number: 05.003.00

Legal Reference: California Government Code Section 6250, et seq.

Attachment: List of exemptions

Distribution: Regular

Public Records Request Exemption List

| Category | Exemption |
|-----------------------------|--|
| General | Preliminary drafts, notes or interagency or intra-agency memorandums which are not retained by any office or department in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure. |
| | Trade secrets, as defined in Government Code §6254.7 of the Government Code. |
| | Records which fall under Paragraphs 3(a) through (h) of this Procedure are not required to be disclosed. On the other hand, nothing in this section is to be construed as preventing the opening of records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law; however, if such disclosure is contemplated, the department head shall first obtain the consent of the City Manager after consultation with the City Attorney. |
| | Records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege and the provisions of California Government Code §6254, et seq. |
| | That on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. |
| City Attorney | Records pertaining to pending litigation to which the City is a party or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled or records falling within the attorney-client and/or attorney work-product privileges. |
| City Clerk | Initiative, referendum, and recall petitions and all memoranda prepared by the City Clerk in the examination of such petitions indicating which registered voters have signed particular petitions, except that if the petition is found to be insufficient, the proponents of the petition may conduct an inspection to determine which signatures were disqualified and the reasons therefore. |
| Finance | Information required from any taxpayer in connection with the collection of local taxes, which is received in confidence, and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information. |
| | Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license certificate or permit applied for. |
| Library/ Museum | Library and museum materials made or acquired and presented solely for reference or exhibition purposes; and patron use records kept for identifying borrowers of library items, except for records of fines imposed on such borrowers. |
| Human Resources | Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. |
| | Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination. |
| Public Utilities | The disclosure of the name, credit history, utility usage data, home address or telephone number of utility customers except as provided in Government Code §6254.15. |

Public Records Request Exemption List

| | |
|---------------------|--|
| Public Works | Geological and geophysical data, plant production data and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any Person. |
| | The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the City, relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision. |