

## How to Utilize the California Public Records Act (CAPRA)

### What is the CAPRA?

The California Public Records Act requires that governmental records be accessible to the public when requested, unless exempt by the law.

- Requests for identifiable, disclosable records must be responded to within timeframes and promptly available for anyone who pays duplication costs or statutory fees.
- If improperly withheld, the public may seek court order and may receive payment for court costs and attorney fees if they win the lawsuit.



### Defining CAPRA terms

- Public record - writing with information related to the public's business by any state or local agency
- Writing - any handwriting, typewriting, printing, photo-stating, photographing, photocopying, transmitting by electronic mail or facsimile, and other means of recording
- Requests do NOT need to state its purpose or use
- Requesters do NOT have to justify or explain the reason exercising their right of access

### Who can request information?

Any person or entity (Examples: media, for-profit businesses, and public entities)

The right is not limited to:

- Persons who are constituents outside of a district
- A person who lives in a different city, country, or state can access district records



### Public Records

- Memos
- Emails
- Presentations
- Data
- Audio Recordings
- Agendas
- Proposals and Contracts
- Bulletins



### NOT Public Records

- Personal or medical records if disclosure is an unwarranted invasion of privacy
- Investigative records
- Pending litigation or claims
- Attorney-client privileged communications
- Student records



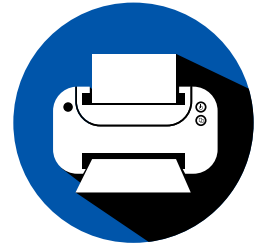
### Is every writing a public record?

- NO, not all writings are public record for CPRA
- Key element for CPRA: if writing is kept because it is necessary or convenient to official duties

## Types of Requests

The public can access public records by:

- Requesting to inspect records
- Receiving a copy of identifiable records



Manner of making requests:

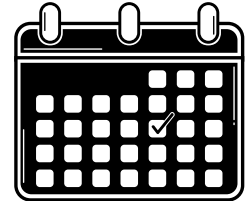
- In writings (paper or electronic)
- Mailed, emailed, faxed, personally delivered, orally (in-person), or by phone

## Content of Requests

- Indicate public record is sought and focused enough to describe an existing, identifiable record
- May describe writings by content and do not require identification of documents themselves
- Agencies do NOT have a duty to comply with requests that seek records that do not exist

## Time Periods to Respond to Requests

- Agencies determine within 10 calendar days after the date of request receipt if records may be disclosed and promptly notify requester
  - Considered dates and time depend on the business hours of receipt and if it is a holiday or weekend
- If there are identifiable public records, then determination must state the estimated time and date when records may be available



## Unusual Circumstances

In unusual circumstances, the time limit to initially reply may be extended by written notice.

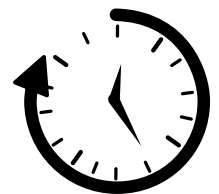
- It would say the reasons for the extension and the date which a determination is expected to be made
- The extension CANNOT be more than 14 days

Unusual circumstances:

- Need to search for records in separate offices
- Consult with another agency with interest in the record
- Voluminous amounts of records
- Compile data or create a program to extract data

## Time Period for Disclosing a Record

- Notifying a requester: initial 10-day response and 4-day extension time periods
- The CPRA does NOT require that records be produced within time periods
- Records are made available "promptly" once the determination has been made



## For More Information

Guide to CA Public Records Act:  
[tinyurl.com/CAPublicRecordsAct](http://tinyurl.com/CAPublicRecordsAct)