[DATE]

[SPECIFIC PRA CONTACT, IF KNOWN (may be listed on Department’s website)]

[LAW ENFORCEMENT AGENCY]

[ADDRESS]

Fax: [FAX NUMBER IF AVAILBLE]

Email: [EMAIL FOR PRA CONTACT, IF KNOWN]

*Via Fax and U.S. Mail [AND EMAIL]*

**RE: Public Record Act Request dated [DATE OF PRIOR REQUEST] for [DESCRIBE INITIAL RECORD REQUEST, e.g. “Jan. 1, 2019 shooting of John Smith”]**

To Whom It May Concern:

I previously submitted the above-described request for records in your office’s possession, pursuant to the California Public Records Act, Gov’t Code §§ 6250 *et seq*., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. Attached is a copy of my initial request.

Your agency previously identified body camera or other video, audio, photographic or other electronic records responsive to my request, but requested that I pay the cost of redacting those items. The California Public Records Act only permits agencies to require requestors pay “the direct cost of producing a copy of a record in an electronic format,” Gov. Code Sec. 6253.9(a)(2), unless certain criteria which do not apply here are met. The California Supreme Court recently addressed this precise issue in *National Lawyers Guild v. City of Hayward*, Case No. S252445, 28 (May 28, 2020),[[1]](#footnote-1) in holding that section 6253.9(b)(2) did not allow the City of Hayward to charge requestors of police body camera footage for the staff time required to locate that footage and edit it to redact audio & video that revealed private information. *See id.* (holding that“section 6253.9(b)(2), as presently written, does not provide a basis for charging requesters for the costs of redacting government records kept in an electronic format, including digital video footage”). There is therefore no legal basis for your agency’s attempt to charge me for the redaction costs associated with those records.

I renew my original request for the electronic records not previously produced in response to my prior PRA request. Please respond to this request in ten days providing the requested information or by specifying a date in the near future to respond to the request. See Cal. Gov’t Code § 6255. If you are claiming any basis for withholding these electronic records or assert any other grounds for requesting payment, please provide a written response by that date setting forth the specific legal authority on which you rely.

Please send any documents in electronic format to [EMAIL ADDRESS]. Otherwise, please mail your response to:

[NAME OF REQUESTOR]

[ORGANIZATION, IF APPLICABLE]

[ADDRESS]

Thank you in advance for providing the records we have requested. Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,

[NAME]

1. The full text of this opinion is available at <https://www.courts.ca.gov/opinions/documents/S252445.PDF>. [↑](#footnote-ref-1)