



LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN

TITLE: California Public Records Act (“PRA”) Requests

NUMBER: BUL-3581.1

ISSUER: David Holmquist, General Counsel
Office of the General Counsel

DATE: October 15, 2010

POLICY: This Bulletin establishes the Los Angeles Unified School District’s policy and procedures regarding the processing of PRA Requests.

MAJOR CHANGES: This bulletin replaces Bulletin 3581.0, “Public Records Requests: District Policy and Procedures Regarding Public Records Act (PRA) Requests,” dated March 2, 2007, as well as Bulletin 3503.0, with the same title and dated January 31, 2007.

ROUTING
 All Employees
 All Locations

This bulletin reinforces the District’s commitment to timely and accurately respond to all requests. It also clarifies the roles of the different District personnel involved in the response to requests. In addition, it increases the fee for duplication of records and accounts for additional expenses involved in the preparation and collection of records.

GUIDELINES: The following guidelines apply:

I. Background

In enacting the PRA, the California Legislature sought to promote access to information concerning the conduct of the people’s business, a fundamental and necessary right of every person in the state. The public therefore has both a statutory and constitutional right to access government information. Because of this, the District has the burden of justifying any denial of access to information.

To ensure compliance that is both legal and timely, the Office of the General Counsel (“OGC”) is the executive agent for all LAUSD requests and responses to those requests.

II. Related Definitions

The Act provides the following definitions:

- A. Custodian(s) of Record is the District department(s) that owns the record that is determined responsive to a request.
- B. Public Records are defined very broadly to include “...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.”
- C. Requestor is any natural person, corporation, partnership, limited liability company, firm, or association.



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- D. Respondent is the District employee designated to respond to the request in compliance with and according to the requirements of the Act.
- E. Writing is defined by the Act as: "...any handwriting, typewriting, printing, Photostatting, photographing, photocopying, 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, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."

III. Summary of Procedures

Requests can be made by mail, electronic mail, facsimile, telephone, etc., using the contact information indicated below:

California Public Records Act Requests
Office of the General Counsel
Los Angeles Unified School District
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017
Phone: (213) 241-6601
Fax: (213) 241-8444
Email: pra@lausd.net

The request need not be in writing. Although the District must accept verbal requests for records, to avoid ambiguity and confusion, it is encouraged that all requests be made in writing. A request may be made anonymously and the District may not require that Requestors state a need for the information requested or how the information will be used.

Because the law favors disclosure, there is not a strict requirement that particular language be used in a request. The District has an obligation to assist a Requestor in making a focused and effective request. To this end, the District must provide suggestions to a Requestor for overcoming any practical basis for denying access to records or information sought and must assist the Requestor in identifying records and information that are responsive to the request.

The District is allowed to charge a reasonable fee for the cost of copies provided to a Requestor. See Appendix A for the LAUSD PRA Request Form & Fee Schedule.

IV. Request Receipt.

The Respondent Responsibilities:

1. Acknowledge receipt of the request within 10 calendar days and will review the request to determine the appropriate District office that may own the records being requested and whether the records requested fall within any exceptions listed in the Act.



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2. Refer the request to the appropriate District office, division, branch, unit, and/or local district for records collection.
3. If appropriate, notify the Requestor of an extension of time to determine if responsive records exist, on or before the 10th day after the request is received. This extension shall not exceed 14 days. On or before the 14-day period, Respondent should have determined if responsive records are available. If so, Respondent will either provide the Requestor with the records or will identify a date by which the records will be made available.
4. Coordinate the collection of records from appropriate District departments, review responsive records for exemptions and privilege, and produce responsive records to the Requestor.
5. Provide Requestor cost of records, collect good faith deposit (when applicable), and provide invoice and/or receipt for costs associated with records upon request.
6. Deny the request for records if, despite a diligent search effort, the District was unable to locate any records responsive to the request. This response is only appropriate after a good faith effort to identify, locate and/or uncover responsive records has been exhausted. Only the OGC is authorized to issue a denial of a request.

The Custodian(s) of Records Responsibilities:

1. Gather and produce responsive records immediately. Because of the exceedingly broad definition of what constitutes a writing or a public record, potentially all records within the possession of the Custodian(s) of Records are subject to disclosure under the Act. See Related Definitions section for more information.
2. Adhere to the strict time requirements of the Act. Under the Act, the District cannot claim an inability to identify and gather the responsive records necessary for production on account of a lack of sufficient time, inadequate staffing, and/or funding limitations. It is, therefore, vital to adhere to all deadlines when gathering records in response to requests.
3. Communicate with Respondent and/or Department Head if records or a portion thereof are suspected to be exempt from disclosure.
4. Consult with the Respondent concerning how to proceed with gathering, organizing and producing the records, if request concerns an exceedingly large number of pages (hundreds or thousands).



V. Cost of Records

The District is allowed to charge a reasonable fee for the cost of copies provided to a Requestor. The District charges 25 cents for each page for copies of records up to 8 x 14 inches produced under a request, irrespective of whether they are produced in hard or electronic format. The actual cost of records larger than 8 x 14 inches, such as blueprints must be charged on a case-by-case, direct cost basis. Additionally, there are charges for postage, as well as media at \$1.00 for CDs and \$2.00 for DVDs.

When a request requires data compilation, the Requestor shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services. The Requestor shall also bear the direct cost if unique software is needed to process the request. Respondent will provide an estimated cost for the request to the Requestor and will follow-up with an itemization of the actual costs when actual costs are determined.

Except as noted above and authorized by the Act, the District may not charge for costs beyond the direct cost of duplication, which precludes overhead or the ancillary tasks associated with the retrieval, inspection and handling of the records. The District is not required to produce copies of records to a Requestor until the costs for duplication have been paid. If the records exceed 200 pages, the Requestor may be required to post a non-refundable, good faith deposit equal to 50% of the total cost of fulfilling the request.

The District will not waive fees authorized by the Act. Any requests for a waiver of fees shall be directed to the Deputy General Counsel.

See Appendix A for the LAUSD PRA Request Form & Fee Schedule.

VI. Inspection of Records

The public has a general right to inspect and/or obtain copies of records maintained by state and local agencies pursuant to the Act. While many records are accessible, the PRA as well as other statutes may preclude disclosure of records including, but not limited to, specified personnel records, medical records, and records prepared in connection with pending litigation.

The District may not charge a Requestor who wishes to come and inspect records. The Requestor and the Respondent will need to arrange a mutually agreeable time for the Requestor to review records. However, following an inspection, any copies requested by Requestor will be made available according to the fees described above in "Cost of Records" and in accordance with the PRA Request Fee Schedule found in Appendix A.

See Appendix B for a list of the District's Frequently Asked Questions regarding requests.



VII. Records Exempt from Disclosure

With the assistance of the Respondent and/or custodian of record, the OGC will determine which records or a portion thereof are exempt from disclosure. There are numerous exemptions from the disclosure requirements established under the Act. The applications of those exemptions are exceedingly case specific and usually not clear cut. Every exemption is narrowly construed and the District has the burden of establishing whether or not a record was legally withheld from disclosure.

Once the District discloses a record to any member of the public, the disclosure may constitute a waiver of any exemptions to future disclosure that may have applied. If the District has waived exemption to disclosure, access to the same record may not be denied to others in the future. A record may not be withheld from production simply because part of the record may be exempt from production. Any reasonably segregable non-exempt portion of a record must be made available after deletion of the portions of the record that are exempt by law.

VIII. Records Subject to Production

When a Requestor reasonably describes an identifiable record, the District has an obligation to make the records promptly available to the Requestor. The District is prohibited from delaying or obstructing the inspection or copying of records. Creating new documents in response to a request is not required by the Act or District policy, unless prior approval from the OGC has been obtained.

IX. Electronic Records

The District must provide a copy of an electronic record in the format requested, if the format requested is one the District has used to create copies for its own use or to provide copies to other agencies. The District can offer to produce records in electronic format, but cannot make information available only in electronic format. If the District no longer has a record available in an electronic format, it is not required to reconstruct a record in an electronic format.

X. Requestor's Rights Under the Act

A Requestor who has been denied access to a record may file a lawsuit to enforce his/her right to inspect or receive a copy of the record. If the court finds that refusal to disclose the record was unjustified, the court may enter an order requiring its disclosure. The court may also order the District to pay reasonable attorneys' fees and court costs. If the court finds the refusal to disclose was justified, the District may recover its attorneys' fees only where it can demonstrate that the request was clearly frivolous.

XI. Violations of the Public Records Act Policy

Violations of this policy may subject a District employee to professional liability, including, but limited to discipline, demotion, or dismissal. Violations of certain portions of this policy may also violate state and/or federal law. Failure of personnel to comply with these policies could result in the employee being sued for a violation of privacy rights or being prosecuted by a governmental agency charged with enforcing those rights.



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AUTHORITY: This is the policy of the District Superintendent of Schools. The following legal standard is applied to this policy:

California Attorney General Opinion No. 01-605, November 1, 2002

California Constitution, Article I, Section 3 (b)

California Government Code section 6250, et seq.

California Government Code, Title I, Division 7, Chapter 3.5

Los Angeles Times v. Alameda Corridor Transportation Authority,
88 Cal. App. 4th 1381 (2001)

Los Angeles Unified School Dist. v. Superior Court (2007, Cal App 2d Dist) 151 Cal
App 4th 759, 60 Cal Rptr 3d 445, 2007 Cal App LEXIS 879

North County Parents Organization v. Department of Education,
23 Cal. App. 4th 146 (1994)

ASSISTANCE: For assistance or further information please contact:

California Public Records Act Requests
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Los Angeles Unified School District
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Appendix B: PRA Frequently Asked Questions

- 1) **What are public records?** Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the agency regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, photocopying, photographing, 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 or symbols or any combination thereof, and any record thereby created, regardless of the manner in which the record has been stored. For more information, see District policy BUL-3581.1 "California Public Records Act Requests"
- 2) **What basic law provides public access to local government information and records in California?** The law is called the California Public Records Act (PRA), and begins with California Government Code Section 6250.
- 3) **Who can initiate a Request under the PRA?** Any person can make a request. However, public disclosure is regulated by several different statutes dependent upon the record. Such resources are Government Code 6250 et .seq. and 34090.6, Welfare and Institutions Code 827, California Vehicle Code 20012, Penal Code 841.5, 293, 11167.5 and 13300. For more information, see District policy BUL-3581.1 Section II. *Related Definitions*.
- 4) **What is the purpose of the PRA?** Its purpose is to permit the public to understand how the government is performing its functions. The law was enacted because "the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." For more information, see District policy BUL-3581.1 Section I. *Background*.
- 5) **Where do I send my request?** Requests can be mailed or faxed using the following contact information, and may be made using the form provided in Appendix A of District Policy BUL-3581.1. For more information, see District policy BUL-3581.1 Section III. *Summary of Procedures*.

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- 6) **How does the District process requests?** Once a request is received, the Respondent will acknowledge the request within 10 days of receipt and provide the Requestor with an estimate of when responsive records will be made available. The Respondent will contact the appropriate District department(s) to coordinate the collection of responsive records. The responsive records will be forwarded to the Respondent, who will then determine whether any exemptions or exclusions apply. The Respondent will make the final determination of the records to be made available, will determine the cost to the Requestor for records produced, and will produce the responsive records. For more information, see District policy BUL-3581.1 Section III. *Summary of Procedures*.



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- 7) **What are the timelines?** Within 10 days from the date the request is received, the Respondent will determine whether the request, in whole or in part, seeks copies of disclosable public records in the District's possession and notify the Requestor of such determination. In unusual circumstances, the 10-day time limit may be extended up to an additional 14 days by written notice to the Requestor, setting forth the reason for the time extension. If responsive records are located and disclosable, the Respondent will comply with the request and records will be made available as promptly as possible upon payment of any applicable fees. For more information, see District policy BUL-3581.1 Section III - B. *Summary of Procedures: Timelines for Responding to Requests.*
- 8) **How much does the District charge for copies of records?** The District charges 25 cents for each page for copies of records up to 8 x 14 inches, irrespective of whether they are produced in hard or electronic format. There are additional charges for computer processing fees and postage. The actual cost of duplication of records produced in other formats, such as blueprints, computer disk or electronic back-up tapes must be charged on a case-by-case, direct cost basis. For more information, see District policy BUL-3581.1 Section III - C. *Summary of Procedures: Cost of Records.*
- 9) **How can I inspect and/or copy records?** You may inspect records at District Offices Monday through Friday, by appointment only, typically from 8 a.m. until 5 p.m. You will be provided with an area to inspect the records. The records may be inspected and copied only at the District office. For more information, see District policy BUL-3581.1 Section III - D. *Summary of Procedures: Inspection of Records.*
- 10) **What records are exempt from disclosure under the PRA?** Exempt records fall within one of several exemptions in the Public Records Act. Records are commonly made exempt by state law. Examples of these exemptions include preliminary drafts and notes, pending litigation, and an employee's medical files. (For more information, see District policy BUL-3581.1 Section IV. *Records Exempt from Disclosure* or [California Government Code section 6254, et seq.](#) for a more complete list of exempt records.)
- 11) **Whom do I contact if I have any questions about a current request?** Once the request is received, the Respondent will contact you to confirm receipt and indicate which District employee is processing the request. Once that letter is received, you can contact the Respondent with any questions.